

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ELLIOT DANIELS, individually and
on behalf of all others similarly
situated,

Plaintiff,

v.

DELTA AIR LINES, INC.,

Defendant.

Case No.: 1:20-cv-01664-ELR

Related Cases

Dusko v. Delta Air Lines, Inc.,

Case No. 1:20-cv-01725

Polk v. Delta Air Lines, Inc.,

Case No. 1:20-cv-02461

**MEMORANDUM IN SUPPORT OF MOTION TO APPOINT ROY E.
BARNES, MELISSA S. WEINER, JEFF OSTROW, AND ANNICK M.
PERSINGER AS INTERIM CLASS COUNSEL PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 23(g)**

Roy E. Barnes of Barnes Law Group, LLC, Melissa S. Weiner of Pearson, Simon & Warshaw, LLP, Jeff Ostrow of Kopelowitz Ostrow Ferguson Weiselberg Gilbert, and Annick M. Persinger of Tycko & Zavareei LLP (collectively, the “BPKT Group”) respectfully seek appointment as interim co-lead class counsel in this action.

These consolidated cases challenge Delta’s refund process after it unilaterally cancelled the flights of its customers due to the COVID-19 Pandemic. It is one of the myriad of legal issues that have arisen in these uncertain and unprecedented times. Delta publicly claims that it is doing everything by the book, but the evidence and Delta’s confused and disaffected customers suggest otherwise. Delta’s customers deserve counsel who can get to the truth and drive a fair resolution in a timely fashion. Within weeks of Delta’s mass flight cancellations, the BPKT Group placed a thoroughly-researched and well-pled complaint on file in *Dusko v. Delta Air Lines, Inc.*, Case No. 1:20-CV-01725 (N.D. Ga. April 22, 2020). Since then, the BPKT Group has engaged with Delta to streamline proceedings and to learn the nature of its communications to the Class. *See Dusko*, Doc. No. 13 (notice of filing regarding conferral of class member communication); *see also id.*, Doc. No. 24 (setting forth initial case schedule before consolidation). Although the case is still in its earliest stages, the BPKT Group has demonstrated through its actions in this

litigation, and through its members' previous results, that it is "best able to represent the interest of the class." Fed. R. Civ. P. 23(g)(2).

The BPKT Group is a diverse slate of committed lawyers who have become subject matter experts on issues affecting consumers whose airline fares were not refunded following mass flight cancellations nationwide. Through its work in this action, as well as in the similar actions that the BPKT Group filed against other airlines nationwide, the BPKT Group has become intimately aware of the claims available to the putative class.¹ The BPKT Group has also shown leadership in this case (as in other airline cases undertaken by its members) by engaging defense counsel and other plaintiff's counsel to reach consensus on early case management issues.

Not only has the BPKT Group already demonstrated that it will efficiently and effectively conduct this litigation, the BPKT Group already has a proven history of successfully working together in other consumer cases. The firms of Ms. Weiner, Mr. Ostrow, and Ms. Persinger are actively working on numerous class cases in

¹ Ms. Weiner's, Mr. Ostrow's, and Ms. Persinger's firms are also co-counsel in the following pending airline refund putative class actions: *Hill et al. v. Spirit Airlines, Inc.*, No. 0:20-cv-60746-RKA (S.D. Fla.); *Bombin v. Southwest Airlines Co.*, No. 5:20-cv-01883 (E.D. Pa.); *Obertman v. Frontier Airlines, Inc.*, No. 20-cv-1689 (D. Colo.) (recently consolidated in *In re Frontier Airlines Litig.*, No. 20-cv-01153-PAB-KLM).

federal and state courts around the country in which all three firms are co-counsel and in others in which at least two of the three firms are co-counsel. Together, the firms have achieved significant successes on behalf of consumers in a wide range of consumer class actions.²

These firms sought out local counsel with extensive experience in complex litigation who had a history of working on cases with Delta's counsel. Members of the BPKT Group who had previously worked with Mr. Barnes asked if his firm would be interested in joining in the *Dusko* matter. The Barnes Law Group agreed to join this team after assessing the strength of the claims and the reputation of the team members. Since then, the BPKT Group has worked cooperatively and diligently to continue to refine the theory of the case and prosecute it.

Importantly, the team of lawyers who make up the BPKT Group provide a strong combination of candidates who combine extensive relevant experience and a diversity of backgrounds. Specifically, the BPKT Group proposes the following appointment:

Co-lead Counsel: (1) **Roy Barnes**, Barnes Law Group, LLC; (2) **Melissa Weiner**, Pearson, Simon, & Warshaw LLP; (3) **Jeff Ostrow**, Kopelowitz Ostrow Ferguson Weiselberg Gilbert; and (4) **Annick M. Persinger**, Tycko & Zavareei LLP.

² Details regarding those current and former cases can be made available to the Court upon request.

This combination of candidates is a balanced team with a diversity of skills, expertise, prior casework, and demographics. With extensive experience in complex class action litigation—both in this District and throughout the United States—the BPKT Group will ensure that the case is zealously, cooperatively, efficiently, and successfully litigated. Thus, pursuant to Rule 23(g) and the Manual for Complex Litigation (4th) (“MCL”) § 14.211, they are best suited to represent the class.

The BPKT Group also reflects the diversity of the bar and the plaintiff class—from the standpoint of gender, age, geography, background, and experience; thus meeting the guidance from Duke Law’s Bolch Judicial Institute, a leader in developing complex litigation standards:

[In] appointing a leadership team, courts should be mindful of the benefits of diversity of all types. In particular, the strong repeat player dynamic that has historically existed reduces fresh outlooks and innovative ideas, and increases pressure to go along with the group and conform, all of which may negatively impact the plaintiffs whose cases are being pursued in the MDL. At the same time, leadership needs repeat players who understand the ropes. Thus a balanced team, with diversity of skills, expertise, prior casework and role, and demographics, should be sought.

BOLCH JUDICIAL INSTITUTE, *Guidelines and Best Practices for Large and Mass-Tort MDLs*, at 37(2nd Ed.), available at <https://judicialstudies.duke.edu/wp-content/uploads/2018/09/MDL-2nd-Edition-2018-For-Posting.pdf> (the “Duke

Standards”).³ Specifically, the proposed interim co-lead class counsel includes both men and women, and counsel with unique backgrounds, as set forth below.

This group came together “as a cohesive group that is committed to the team rather than individual play.” *In re: Syngenta AG MIR162 Corn Litig.*, No. 14-MD-2591, 2015 WL 13679782, at *2 (D. Kan. Feb. 13, 2015). It is the right combination of talent, personalities, and consumer protection experience to most effectively prosecute this action, in this Court, against this defendant. To most efficiently prosecute the litigation, the BPKT Group seeks appointment of this team in its entirety.⁴ Given the depth of consumer protection experience, diversity of lawyers, and the collaborative nature of the proposed group, including the work already undertaken in these actions against airlines, the BPKT Group is the right choice to lead this litigation.

³ See also David Rock and Heidi Grant, *Why Diverse Teams Are Smarter*, HARV. BUS. REV. (Nov. 4, 2016), available at <https://hbr.org/2016/11/why-diverse-teams-are-smarter> (positing that diverse teams “focus more on facts,” “process those facts more carefully,” and are “more innovative”).

⁴ In the past, this Court has recognized the advantages of this approach. See, e.g., *In re: Equifax, Inc. Customer Data Security Breach Litigation*, Order Appointing Counsel, 1:17-md-2800-TWT, Doc. 232 (N.D. Ga. Feb. 2, 2018); *In re: Arby’s Restaurant Group, Inc. Data Security Litigation*, Order Appointing Leadership for Consumer Cases, 1:17-cv-01035-AT, Doc. 48 (N.D. Ga. July 26, 2017); *In re: The Home Depot, Inc. Customer Data Security Breach Litig.*, Order Appointing Leadership for Consumer Cases, No. 1:14-md-02583-TWT, Doc. 60 (N.D. Ga. Feb. 13, 2015).

I. ARGUMENT

A court may appoint interim class counsel before deciding whether the action may be certified as a class. Fed. R. Civ. P. 23(g)(3). When, as here, there is a contested application process, “the court must appoint the applicant best able to represent the interests of the class.” Fed. R. Civ. P. 23(g)(2). In making this determination, the court must consider (i) counsel’s work in identifying or investigating potential claims, (ii) counsel’s experience in handling class actions and the types of claims involved, (iii) counsel’s knowledge of the applicable laws, and (iv) the resources counsel commits to representing the class. Fed. R. Civ. P. 23(g)(1)(A). The BPKT Group fully satisfies each of these factors. A court may also consider “any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class.” Fed. R. Civ. P. 23(g)(1)(B). *See also* MCL § 10.22. Here, members of the BPKT Group have extensive experience in this District and with Delta’s counsel. BPKT Group members also bring the benefit of more diverse backgrounds than typically seen in complex litigation leadership teams. All have a wealth of experience in successfully prosecuting complex litigation, and this combination of lawyers will best benefit the class.

A. The BPKT Group Has Significant Expertise in Successfully Litigating Complex Cases, Has Superior Knowledge of the Applicable Law, and Is Comprised of Attorneys from Diverse Backgrounds with Complementary Skill Sets

The BPKT Group includes some of the nation’s most respected attorneys and firms that represent plaintiffs in complex class actions. Their wealth of experience weighs in favor of their appointment. Fed. R. Civ. P. 23(g)(1)(A)(ii). Further, in determining which counsel is best suited to act as interim class counsel, courts “have frequently appointed more than one firm” when it is in the best interests of the proposed class members. *See Walker v. Discover Fin. Servs.*, No. 10-CV-6994, 2011 WL 2160889, at *3 (N.D. Ill. May 26, 2011) (collecting cases). The BPKT Group presents an appropriate co-lead structure that includes a strong local presence and spreads litigation risk sufficiently. The competence of the attorneys is shown below and in the attached firm resumes (Exhibits 1 to 4).

1. Roy E. Barnes’ Qualifications

Roy E. Barnes is the founding member of Barnes Law Group, LLC, an AV *Preeminent* rated firm in Marietta, Georgia, that has attained national recognition. Mr. Barnes is a Fellow of the American College of Trial Lawyers and the International Academy of Trial Lawyers and has been consistently selected by peers as one of the *Best Lawyers in America*, *Best Attorneys in Georgia* and *Georgia Super Lawyers*. With more than 40 years of expertise, Mr. Barnes appears in over 250

reported state and federal appellate court decisions, and has been appointed to leadership in numerous state and nationwide class actions, including *Equifax* (class counsel and co-liaison counsel), *Home Depot* (co-liaison counsel), and *Arby's* (co-lead counsel). And Mr. Barnes is still putting that experience to good use; last month, Mr. Barnes settled (along with other class counsel at the Barnes Law Group and Bondurant, Mixon & Elmore) a class action on behalf of DeKalb County School District employees after nearly a decade of litigation and four appeals.⁵

Mr. Barnes also has a distinctive 30-year political career with extensive experience in public policy, lawmaking and consensus-building. Having served in both the House and Senate of the Georgia General Assembly over the course of 1974 to 1998, Mr. Barnes was then elected and served as Georgia's 80th Governor from 1999 to 2003. In 2003, he was awarded the John F. Kennedy Profile in Courage Award for his leadership in removing the Confederate battle emblem as the predominant symbol on the state flag. His legal and political accomplishments demonstrate his ability to work cooperatively with others to find common ground

⁵ See Katheryn Tucker, THE DAILY REPORT, *Teachers Settle Pension Lawsuit for \$117M*, (June 11, 2020) available at <https://www.law.com/dailyreportonline/2020/06/11/teachers-settle-pension-lawsuit-for-117m/> (discussing history and settlement of *Gold, et al v. DeKalb County School District, et al*, No. 11-cv-3657-5 (Superior Court of DeKalb County)).

and achieve compromise resolutions in complex matters. If selected, Mr. Barnes and his firm will commit the necessary talent, resources and leadership to represent the class.

2. Melissa S. Weiner's Qualifications

Ms. Weiner is a partner with Pearson, Simon & Warshaw, LLP ("PSW"),⁶ a firm with offices in Minneapolis, Los Angeles, and San Francisco, which brings significant resources to this action. Ms. Weiner practices in the firm's Minneapolis office, which is in the heartland of the country and is less often represented in class action leadership than coastal cities such as New York and the District of Columbia. *See In re Oil Spill by Oil Rig Deepwater Horizon in Gulf of Mexico, on Apr. 20, 2010*, 910 F. Supp. 2d 891, 916 (E.D. La. 2012) (noting that court appointed "PSC consist[ing] of firms that are diverse . . . geographically").

In almost 13 years of practice, Ms. Weiner has litigated a diverse body of class actions, including breach of contract, consumer protection, product defect, intellectual property, automotive, false advertising, and Fair Credit Reporting Act violations. She understands the significance of an appointment here and commits to

⁶ Key members of PSW's litigation team for this matter are partner Daniel L. Warshaw, who brings significant consumer and MDL leadership experience to the table, and Joseph C. Bourne, who has ten years of experience, including a focus on consumer litigation.

personally deliver high-quality work and the time and resources necessary to effectively and expeditiously litigate this complex class action.

Ms. Weiner currently chairs the Plaintiffs' Executive Committee ("PEC") in *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation*, 1:16-md-02695-JB-LF (D.N.M.), a case involving the false and deceptive marketing of tobacco products. In that role, she is responsible for leading and directing pretrial matters, including the delegation of common benefit work responsibilities to PEC members. Ms. Weiner leads all strategy related to class certification in that case.

Ms. Weiner was appointed to the plaintiffs' steering committee ("PSC") in *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litigation*, 5:17-md-02792 (W.D. Okla.), a class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement. Ms. Weiner was also appointed to the PSC in *In Re Windsor Wood Clad Window Product Liability Litigation*, 16-MD-02688 (E.D. Wis.), a nationwide class action regarding allegedly defective windows. Ms. Weiner assisted lead counsel in successfully resolving the action.

Additionally, Ms. Weiner was recently appointed co-lead counsel by Judge Robert Dow in a contested leadership application in *In Re Fairlife Milk Products*

Marketing and Sales Practices Litigation, MDL No. 2909 (N.D. Ill.).

Ms. Weiner is a leader in her legal community. She has served in several roles in the State and Federal Bar Association and is a frequent lecturer for the Minnesota State Bar Association. As a Co-Chair for the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association, Ms. Weiner and her co-chairs focused on cultivation of diverse leadership in MDLs and class actions as research revealed that the number of trials and in-court speaking opportunities have continued to steeply decline, and that the decline impacts women, diverse attorneys and other underrepresented groups disproportionately and negatively.⁷ Ms. Weiner and her co-chairs concluded that providing newer lawyers with more frequent in-court speaking opportunities and litigation experience will begin to reverse these trends. Ms. Weiner and her co-chairs actively collaborated with the Minnesota Federal District Bench to address and remedy these issues through discussion of best practices and/or guidelines for the district. The Practice Group's

⁷ While men and women have been enrolling in law schools at roughly the same rate for decades and the percentage of women associates at larger firms is comparable to the number of men associates, the percentage of partners who are women remains below 25 percent. The percentage of diverse attorneys who are associates at larger firms has increased to almost 25 percent, yet the percentage of diverse attorneys who are partners remains below ten percent. *See Woman and Minorities at Law Firms—What Has Changed and What Has Not in the Past 25 Years*, NALP Bulletin (Feb. 2018), <https://www.nalp.org/0218research> (last visited Dec. 5, 2019).

hard work resulted in changes to several judge's practice pointers on diversity in litigation.⁸

PSW's partners have held leadership roles in numerous significant cases. PSW's leadership experience in the largest and most complex cases demonstrates that it has the resources needed to litigate this complex action effectively and expeditiously. For example, the firm recently served as co-lead counsel in *In re Credit Default Swaps Antitrust Litigation* (S.D.N.Y.), which settled claims against a dozen of the world's largest banks for a total of \$1.8 billion; *In re TFT-LCD (Flat Panel) Antitrust Litigation* (N.D. Cal.), an international cartel case that settled for over \$473 million; and *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.), which settled damages claims for \$208 million, and which the firm took to trial—where it prevailed—on claims seeking injunctive relief.

3. Jeff Ostrow Qualifications

Mr. Ostrow is the Managing Partner of Kopelowitz Ostrow Ferguson Weiselberg Gilbert P.A. ("KO"), which has offices throughout South Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr.

⁸ Ms. Weiner will add diversity to the leadership of this action because she is female, comparatively newer to the class action bar, yet has diverse practice and leadership experience. So too is Ms. Persinger.

Ostrow practices full time in the areas of consumer class actions, sports, and business law. He is an *AV Preeminent* rated attorney in both legal ability and ethics.

Mr. Ostrow is an accomplished trial attorney who has practiced for 23 years, and represents both plaintiffs and defendants. He has successfully tried many cases to verdict involving multi-million dollar damage claims in state and federal courts. He appreciates the time and resources that are necessary to effectively litigate a complex case of this magnitude.

Currently, Mr. Ostrow serves as lead counsel in nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$400,000,000 for tens of millions of bank customers, as well as monumental changes in the way banks and credit unions assess fees. In addition, Mr. Ostrow has litigated consumer class actions against some of the world's largest clothing retailers, health insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

Mr. Ostrow often serves as outside general counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many

Fortune 500® companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, Fox News, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic Swimming, the NFL, NBA, and MLB.

A respected leader in his legal community, Mr. Ostrow is a member of the Public Justice Foundation and a lifetime member of the prestigious Million Dollar Advocates Forum, of which membership is limited to attorneys who have won multi-million dollar verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running, honored as one of Florida's Legal Elite Attorneys, recognized as a Leader in Law by the Lifestyle Media Group®, and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the Gator 100 award for the fastest growing University of Florida alumni-owned law firm in the world.

Mr. Ostrow's community involvement includes his service on the Board of Governors of the Nova Southeastern University's H. Wayne Huizenga College of

Business & Entrepreneurship and the Broward County Courthouse Task Force. He is also a founder and current board member for the Jorge Nation Foundation, a charity dedicated to raising funds to send children stricken with cancer on a once-in-a-lifetime all-inclusive *Dream Trips* to destinations of their choosing.

Since its founding, KO has initiated and served as co-lead counsel and liaison counsel in many high-profile class actions. Currently, the firm serves as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Beach Litig.*, MDL 2737 (M.D. Fla.); and liaison counsel in *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.).

KO has also served or is currently serving as lead or co-lead counsel in dozens of certified and/or proposed class actions against national and regional banks involving the unlawful re-sequencing of debit and ATM transactions resulting in manufactured overdraft fees, and other legal theories pertaining to overdraft fees. The cases are pending, or were pending, in various federal and state jurisdictions throughout the country, including some in multidistrict litigation pending in the Southern District of Florida and others in federal and state courts dispersed

throughout the country. KO's substantial knowledge and experience litigating overdraft class actions and analyzing overdraft damage data has enabled the firm to obtain dozens of multi-million dollar settlements (totaling in excess of \$400 million) for the classes KO represents. KO has worked with Ms. Persinger's firm in many of these successful cases.

4. Annick M. Persinger Qualifications

Ms. Persinger is Tycko & Zavareei's California Managing Partner. Tycko & Zavareei, a diverse firm with offices in the District of Columbia, Oakland, and Los Angeles, brings long experience with consumer class action litigation and significant resources to this action.

Ms. Persinger dedicates her practice to advocating for consumers and to representing whistleblowers who expose their employer's fraudulent practices. During her 11 years of practice, Ms. Persinger has litigated a wide array of class actions, including actions for breach of contract, consumer protection, product defect, privacy, false advertising, TCPA violations, and more. Ms. Persinger understands the responsibility of a leadership appointment and is committed to approaching this litigation with professionalism and to delivering high quality work product.

Ms. Persinger is also a leader in her legal community. Based on her vast

experience and expertise in labeling class actions, Ms. Persinger was selected to serve on the steering committee for the Cambridge Forum on Plaintiffs' Food Fraud Litigation, an annual meeting of leading Plaintiffs' lawyers who litigate consumer-oriented food law and food mislabeling matters. At the Cambridge Forum's annual meeting, Ms. Persinger leads discussion topics on issues from planning a successful schedule for management of complex actions, to creative strategies for defeating attacks on the pleadings.

Ms. Persinger also worked on judicial endorsements in her role as Judiciary Chair of Bay Area Lawyers for Individual Freedom ("BALIF"), the Bay Area's LGBTQI bar association. Ms. Persinger then served as Co-Chair of BALIF's Board of Directors from 2018 to 2019. Additionally, Ms. Persinger prioritizes the mentorship of minority lawyers within Tycko & Zavareei and in the broader legal community through her connections with BALIF and the National Center for Lesbian Rights.

Tycko & Zavareei has held numerous leadership roles in high stakes class litigation, including leadership roles in certified class actions against national and regional banks involving unlawful transactional fees, class actions involving product labeling and defect, class actions for violations of the TPCA, and class actions focused on protecting consumer privacy. Following these appointments, Tycko &

Zavareei’s resources and significant experience litigating complex multi-state class actions has inured to the benefit of hundreds of thousands of consumers. For instance, as co-lead counsel in *Farell v. Bank of America*, 327 F.R.D. 422, 432 (S.D. Cal. 2018), Tycko & Zavareei secured a class action settlement valued at \$66.6 million along with injunctive relief, a result the court described as a “remarkable” accomplishment achieved through “tenacity and great skill.” *Id.* at 432.

B. The BPKT Group Will Commit the Resources Needed to Represent the Class, Coordinate Efforts Among Counsel, and Ensure the Effective and Efficient Resolution of This Litigation

Rule 23(g)(1)(A)(iv) instructs the Court to consider the resources that counsel will commit to representing the class. The BPKT Group has the resources necessary to prosecute and finance a case of this magnitude, as they have shown by successfully prosecuting materially similar cases in the past. The Group’s law firms are responsible for achieving some of the largest class action recoveries in some of the most complex, document-intensive, and high-profile class actions. Moreover, while each firm is committed to expending the resources necessary to achieve a favorable result for the class, all counsel are cognizant of the need to control costs, having diligently done so in the other complex litigation they have led.

C. The Entire Proposed Slate Should Be Selected to Most Effectively and Efficiently Handle the Litigation.

The proven history of the BPKT Group working successfully with each other

in this case and in other similar cases weighs heavily in favor of appointing the group, in its entirety, to lead this litigation. *See generally Duke Standards*, Best Practice 4C(iii), at 53 (“The [presiding] judge may take into account whether counsel applying for leadership roles have worked together in other cases, their ability to collaborate in the past, divide work, avoid duplication, and manage costs.”). Specific to this airline litigation, shortly after the COVID-19 pandemic caused a shutdown of air travel, the BPKT Group saw first-hand the difficulties that airline customers were having dealing with flight cancellations and ensuing efforts to obtain airfare refunds. The firms extensively researched consumer rights in this area and analyzed the contracts of carriage of Delta and numerous other domestic and international airlines.

On April 23, 2020, the BPKT Group filed its complaint on behalf of Angela Dusko and all others similarly situated. Drawing upon its experience in other similar airline refund cases, *see supra* n.1, the BPKT Group filed a streamlined complaint that carefully focused on contractual claims most likely to succeed given the preemptive contours of the Airline Deregulation Act. *See generally Pica v. Delta Air Lines, Inc.*, 19-55300, 2020 WL 4014133, at *2 (9th Cir. July 16, 2020). After filing, and in accordance with the Local Rules of this Court, the BPKT Group conferred with Delta regarding communications with putative class members. (*See Dusko*

Doc. 13). Before the cases were consolidated, the BPKT Group negotiated a scheduling order with Delta. While accounting for the then-pending proceedings before the Judicial Panel on Multidistrict Litigation, the scheduling order also allowed Dusko to file an amended complaint with leave to add additional named plaintiffs (*see Dusko* Doc. 23, ¶7) as disaffected Delta customers continued to contact the BPKT Group after the filing of the *Dusko* complaint.

All these efforts illustrate the group's experience in handling complex litigation, knowledge of the applicable law, and commitment to effective and efficient litigation. Fed. R. Civ. P. 23(g)(1)(A)(i), (ii), and (iii). The extensive successful experience that the BPKT Group firms have had individually and collectively in other class action litigation, as described above, demonstrates what the Court can expect in this case for necessary collaboration, division of work, and effective management of litigation costs. Accordingly, although each of the BPKT Group commits to working with any plaintiff's counsel appointed, adding or subtracting lawyers from the proposed group could well create the potential for inefficiency. *See In re: Syngenta AG MIR162 Corn Litig.*, No. 14-MD-2591, 2015 WL 13679782, at *2 (D. Kan. Feb. 13, 2015) (declining suggestion to pick and choose a slate from competing lead counsel applications in favor of a single slate "that has the distinct advantage of having committed itself in advance to solving this

problem together”).

The BPKT Group also has a good working relationship with the lawyers at King & Spalding who are defending Delta, as a result of having litigated with them in cases going back decades. These relationships can be important, as demonstrated in the resolution of the *Equifax* databreach litigation, a large and complex settlement which included the involvement of two federal regulators and nearly all states attorneys general. These relationships further support the selection of the BPKT Group slate in its entirety. *See generally Duke Standards*, Best Practice 4C(i), at 43 (“The [presiding] judge should be mindful of the importance of harmony among the leadership team, and between the leadership team and both the court and opposing counsel.”).

In short, because of their success working with each other in many cases of this sort, their efforts to date in this case, their experience with Delta’s counsel, and the professional manner in which they have conducted themselves in many cases in this District and in federal courts throughout the United States, this Court has assurance that, if the BPKT Group is selected, the litigation will be zealously and expeditiously pursued; handled in a collegial and ethical manner; and conducted efficiently and effectively in the best of interests of the proposed class.

II. CONCLUSION

For the reasons set forth above, the BPKT Group respectfully requests that the Court grant their application to serve as interim co-lead class counsel.

Dated: July 23, 2020.

Respectfully submitted,

/s/ Roy E. Barnes

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the Proposed Class*

EXHIBIT 1



The Barnes Law Group, LLC

Anchored by Georgia’s former Governor Roy E. Barnes, the Barnes Law Group (“BLG”) is an AV Preeminent rated law firm based in Marietta, Georgia with a national distinction for its skill and advocacy in all matters consumer. BLG’s legal team is comprised of experienced and dedicated lawyers and staff who have devoted decades in the public and private sectors to “Making It Right” for those who have been wronged. As a result, BLG has consistently achieved the *Best Lawyer/Best Law Firm* rankings from *U.S. News & World Report* in mass torts and class actions since 2010. Individually, BLG lawyers are regularly recognized and selected for inclusion in Martindale Hubble’s AV preeminent ratings, Georgia Super Lawyers, Best Lawyers, National Trial Lawyers Top 100 and many other peer rated litigation honors. Although these recognitions are noteworthy, the firm’s results are far more satisfying. Collectively, lawyers in the firm have obtained judgments and settlements in excess of \$1 billion on behalf of consumers and injured plaintiffs. A few examples of cases led by BLG lawyers include the following:

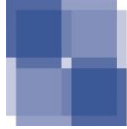
- *In Re: Equifax, Inc., Customer Data Security Breach Litigation*, No. 1:17-MD-02800-TWT (ND Ga.) (data breach class action resulting in minimum settlement fund of \$380.5 million);

- *In Re: Home Depot Data Breach Litigation*, No. 14-MD-2584-TWT (ND Ga.) (data breach class action resulted in settlement fund of \$13 million);
- *In Re: Arby's Restaurant Group, Inc. Data Security Litigation*, No. 1:17-CV-1035-AT (N.D. Ga. 2017) (data breach class action favorably resolved on behalf of nationwide class);
- *Elaine Ann Gold, Amy Jacobson Shaye, Heather Hunter, Roderick Benson, et al, v. DeKalb County School District and DeKalb County Board of Education*, (CAFN 11-cv-3657-5) (Superior Court of DeKalb County) (after decade of litigation, proposed class action settlement establishing fund in the amount of \$117.5 million over pension contributions for DeKalb County School District Employees);
- *Fast Sign Company, Inc. v. American Home Services, Inc.*, CAFN: 2003-CV-77276, Superior Court of Fulton County (\$459 million judgment for TCPA violations);
- *Gates v. Syrian Arab Republic* (Case No. 1:06CV01500, USDC DC) (\$412 million judgment for terrorist sponsored activities);
- *First Center, Inc. v. Delta Comm. Credit Union* (CAFN: 10-1-7119-40, Superior Court of Cobb County, GA.) (\$75 million judgment for commercial lending litigation);

- *Cox, et al, v. Community Loans of America, et al* (CAFN: 4:11-CV-177, USDC MDGA) (nationwide class action settlement reimbursing Service members and their families for violations of Military Lending Act);
- *Greene v. Cash America, Inc.* (CAFN: 2004A7104-6, State Court of Cobb County, Ga.) (\$34 million class action settlement for payday lending violations); and,
- *Kahn v. Fortis Insurance Co.* (CAFN: 2004 VS 074998, State Court of Fulton County, Ga.) (\$14 million settlement for unlawful insurance rating practices).

Barnes Law Group's success stems from a simple, yet powerful philosophy *Making It Right* for those who have been wronged. That means BLG has always been, and will always be, in the corner of the individuals that need an effective advocate to help level the playing field.

EXHIBIT 2



PEARSON | SIMON • WARSHAW LLP

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Pearson, Simon & Warshaw, LLP (“PSW”) is an AV-rated civil litigation firm with offices in Los Angeles, San Francisco and Minneapolis. The firm specializes in complex litigation, including state coordination cases and federal multi-district litigation. Its attorneys have extensive experience in antitrust, securities, consumer protection, and unlawful employment practices. The firm handles national and multi-national class actions that present cutting edge issues in both substantive and procedural areas. PSW attorneys understand how to litigate difficult and large cases in an efficient and cost-effective manner, and they have used these skills to obtain outstanding results for their clients, both through trial and negotiated settlement. They are recognized in their field for excellence and integrity, and are committed to seeking justice for their clients.

CASE PROFILES

PSW attorneys currently hold, or have held, a leadership role in the following representative cases:

- *In re Credit Default Swaps Antitrust Litigation*, Southern District of New York, MDL No. 2476. PSW attorneys recently served as co-lead counsel and represented the Los Angeles County Employee Retirement Association (“LACERA”) in a class action on behalf of all purchasers and sellers of Credit Default Swaps (“CDS”) against twelve of the world’s largest banks. The lawsuit alleged that the banks, along with other defendants who controlled the market infrastructure for CDS trading, conspired for years to restrain the efficient trading of CDS, thereby inflating the cost to trade CDS. The alleged antitrust conspiracy resulted in billions of dollars in economic harm to institutional investors such as pension funds, mutual funds, and insurance companies who used CDS to hedge credit risks on their fixed income portfolios. After nearly three years of litigation and many months of intensive settlement negotiations, PSW helped reach a settlement with the defendants totaling \$1.86 billion plus injunctive relief. On April 15, 2016, the Honorable Denise L. Cote granted final approval to the settlement, which is one of the largest civil antitrust settlements in history.
- *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Northern District of California, MDL No. 1827. PSW served as co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of thin film transistor liquid crystal display (“TFT-LCD”) panels. Worldwide, the TFT-LCD industry is a multi-billion dollar

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industry, and many believe that this was one of the largest price-fixing cases in the United States. PSW helped collect over \$405 million in settlements before the case proceeded to trial against the last remaining defendant, Toshiba Corporation and its related entities. PSW partner Bruce L. Simon served as co-lead trial counsel, successfully marshaled numerous witnesses, and presented the opening argument. On July 3, 2012, PSW obtained a jury verdict of \$87 million (before trebling) against Toshiba. PSW later settled with Toshiba and AU Optronics to bring the total to \$473 million in settlements. In 2013, California Lawyer Magazine awarded Mr. Simon a California Lawyer of the Year Award for his work in the *TFT-LCD* case.

- *In re Potash Antitrust Litigation (No. II)*, Northern District of Illinois, MDL No. 1996. PSW partner Bruce L. Simon served as interim co-lead counsel for the direct purchaser plaintiffs in this multidistrict litigation arising from the price-fixing of potash sold in the United States. After the plaintiffs defeated a motion to dismiss, the defendants appealed, and the Seventh Circuit Court of Appeals agreed to hear the case *en banc*. Mr. Simon presented oral argument to the *en banc* panel and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies. *See Minn-Chem, Inc. v. Agrum Inc.*, 683 F. 3d 845 (7th Cir. 2012).
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*, Northern District of California, MDL No. 2451. PSW attorneys currently serve as interim co-lead counsel in this multidistrict litigation that alleges the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive. PSW settled the damages case, recently obtaining final approval to a \$208 million dollar settlement. PSW attorneys with co-counsel have completed a bench trial for the injunctive portion of the case. A verdict for Plaintiffs was awarded, and the case is now on appeal.
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.*, Eastern District of New York, Case No. 1:17-cv-05495-MKB-ST. PSW, along with co-counsel, represents the North American Soccer League in a matter against the United States Soccer Federation and Major League Soccer alleging antitrust violations. The complaint alleges that U.S. Soccer and MLS have driven NASL out of business and have prevented NASL from competing against MLS (the sole Division I league) and the United Soccer League (the sole Division II league), which is affiliated with MLS.
- *In re German Auto Manufacturers Antitrust Litigation*, Northern District of California, MDL No. 2796. Bruce L. Simon is serving as chairman of the Plaintiffs' Steering Committee and co-lead counsel for the Indirect Purchaser Plaintiffs in this multidistrict antitrust litigation. The complaint alleges that certain German car manufacturers

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unlawfully coordinated on several key car components, actively limiting the pace and extent of innovation, while also acting to promote consumers' perception of German cars as commanding a price premium.

- *In re Broiler Chicken Antitrust Litigation*, Northern District of Illinois, Case No. 1:16-cv-08637. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation's largest broiler chicken producers violated antitrust laws by limiting production and manipulating the price indices.
- *In re Pork Antitrust Litigation*, District of Minnesota, Case No. 0:18-cv-01776. PSW attorneys currently serve as interim co-lead counsel on behalf of direct purchaser plaintiffs. The complaint alleges that the nation's largest pork producers violated antitrust laws by limiting production and manipulating the price indices.
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.*, Northern District of California Case No. 4:17-cv-05343-JSW. PSW attorneys currently serve as Class counsel in this certified copyright class action alleging that Defendants broadcasted, continue to broadcast, or otherwise make available to the public, copyrighted musical works of Plaintiffs and the Class without proper licenses, as required under the Copyright Act.
- *Grace v. Apple, Inc.*, Northern District of California, 5:17-CV-00551. PSW partner Daniel L. Warshaw currently serves as class counsel in this California certified class action on behalf of consumers who allege Apple intentionally broke its "FaceTime" video conferencing feature for Apple iPhone 4 or iPhone 4S users operating on iOS 6 or earlier.
- *Trepte v. Bionaire, Inc.*, Los Angeles County Superior Court, Case No. BC540110. PSW attorneys currently serve as Class Counsel in this certified class action alleging that the defendant sold defective space heaters. The complaint alleges that defendant breached the warranty and falsely advertised the safety of the heaters due to design defects that cause the heaters to fail. As a result of the failure, the heaters may spark, smoke and catch fire. PSW continues to vigorously litigate this important lawsuit.
- *In re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation*, District of New Mexico, Case No. 1:16-md-02695-JB-LF. PSW partner Melissa S. Weiner chairs the Executive Committee and PSW partner Daniel L. Warshaw serves on the executive committee. This class action alleges that Defendants' "natural" and "additive free" claims on their tobacco products were false and misleading to consumers. PSW continues to vigorously litigate this important lawsuit.
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation*, Southern District of New York, MDL No. 2542. In June 2014, Judge Vernon S. Broderick appointed PSW to serve as interim co-lead counsel on behalf of indirect purchaser plaintiffs in this multidistrict class action litigation. The case arises from the alleged

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unlawful monopolization of the United States market for single-serve coffee packs by Keurig Green Mountain, Inc. Keurig's alleged anticompetitive conduct includes acquiring competitors, entering into exclusionary agreements with suppliers and distributors to prevent competitors from entering the market, engaging in sham patent infringement litigation, and redesigning the single-serve coffee pack products in the next version of its brewing system to lock out competitors' products.

- *Senne, et al. v. Office of the Commissioner of Baseball, et al.*, Northern District of California, Case No. 14-cv-0608. PSW attorneys currently serve as interim co-lead counsel in this class action and FLSA collective action on behalf of minor league baseball players who allege that Major League Baseball and its member franchises violate the FLSA and state wage and hour laws by failing to pay minor league baseball players minimum wage and overtime.
- *In re KIND LLC "Healthy and All Natural" Litigation*, Southern District of New York, MDL No. 2645. PSW partner Daniel L. Warshaw currently serves as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege that they purchased KIND snack bars that were falsely advertised as "all natural," "non-GMO," and/or "healthy."
- *In re Carrier IQ Consumer Privacy Litigation*, Northern District of California, MDL No. 2330. PSW attorneys served as interim co-lead counsel in this putative nationwide class action on behalf of consumers who allege privacy violations arising from software installed on their mobile devices that was logging text messages and other sensitive information.
- *Sciortino, et al. v. PepsiCo, Inc.*, Northern District of California, Case No. 14-cv-0478. PSW attorneys served as interim co-lead counsel in this putative California class action on behalf of consumers who allege that PepsiCo failed to warn them that certain of its sodas contain excess levels of a chemical called 4-Methylimidazole in violation of Proposition 65 and California consumer protection statutes.
- *James v. UMG Recordings, Inc.*, Northern District of California, Case No. 11-cv-01613. PSW partner Daniel L. Warshaw served as interim co-lead counsel in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company UMG.
- *In re Warner Music Group Corp. Digital Downloads Litigation*, Northern District of California, Case No. 12-cv-00559. PSW attorneys served as interim co-lead counsel, with partner Bruce L. Simon serving as chairman of a five-firm executive committee, in this putative nationwide class action on behalf of recording artists and music producers who alleged that they had been systematically underpaid royalties by the record company Warner Music Group.

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- *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, Northern District of California, MDL No. 1486. PSW partner Bruce L. Simon served as co-chair of discovery and as a member of the trial preparation team in this multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Mr. Simon was responsible for supervising and coordinating the review of almost a terabyte of electronic documents, setting and taking depositions, establishing and implementing protocols for cooperation between the direct and indirect plaintiffs as well as the Department of Justice, presenting oral arguments on discovery matters, working with defendants on evidentiary issues in preparation for trial, and preparation of a comprehensive pretrial statement. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.
- *In re Methionine Antitrust Litigation*, Northern District of California, MDL No. 1311. PSW partner Bruce L. Simon served as co-lead counsel in this nationwide antitrust class action involving a conspiracy to fix prices of, and allocate the markets for, methionine. Mr. Simon was personally responsible for many of the discovery aspects of the case including electronic document productions, coordination of document review teams, and depositions. Mr. Simon argued pretrial motions, prepared experts, and assisted in the preparation of most pleadings presented to the Court. This action resulted in over \$100 million in settlement recovery for the Class.
- *In re Sodium Gluconate Antitrust Litigation*, Northern District of California, MDL No. 1226. PSW partner Bruce L. Simon served as class counsel in this consolidated antitrust class action arising from the price-fixing of sodium gluconate. Mr. Simon was selected by Judge Claudia Wilken to serve as lead counsel amongst many other candidates for that position, and successfully led the case to class certification and settlement.
- *In re Citric Acid Antitrust Litigation*, Northern District of California, MDL No. 1092. PSW partner Bruce L. Simon served as class counsel in antitrust class actions against Archer-Daniels Midland Co. and others for their conspiracy to fix the prices of citric acid, a food additive product. Mr. Simon was one of the principal attorneys involved in discovery in this matter. This proceeding resulted in over \$80 million settlements for the direct purchasers.
- *Olson v. Volkswagen of America, Inc.*, Central District of California, Case No. CV07-05334. PSW attorneys brought this class action lawsuit against Volkswagen alleging that the service manual incorrectly stated the inspection and replacement intervals for timing belts on Audi and Volkswagen branded vehicles equipped with a 1.8 liter turbo-charged engine. This case resulted in a nationwide class settlement.
- *Swain et al. v. Eel River Sawmills, Inc. et al.*, California Superior Court, DR-01-0216. Bruce L. Simon served as lead trial counsel for a class of former employees of a timber company whose retirement plan was lost through management's investment of plan

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assets in an Employee Stock Ownership Plan. Mr. Simon negotiated a substantial settlement on the eve of trial resulting in a recovery of approximately 40% to 50% of plaintiffs' damages after attorneys' fees and costs.

- *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, Western District of Washington, MDL No. 1972. PSW partner Bruce L. Simon served as interim co-lead counsel for the plaintiffs in this multidistrict litigation arising from violations of the federal antitrust laws with respect to domestic ocean shipping services between the continental United States and Hawaii and/or between the continental United States and the Territory of Guam.
- *In re Homestore Litigation*, Central District of California, Master File No. 01-11115. PSW attorneys served as liaison counsel and class counsel for plaintiff CalSTRS in this securities class action. The case resulted in over \$100 million in settlements to the Class.
- *In re MP3.Com, Inc., Securities Litigation*, Southern District of California, Master File No. 00-CV-1873. PSW attorneys served as defense counsel in this class action involving alleged securities violations under Rule 10b-5.
- *In re Automotive Refinishing Paint Cases*, Alameda County Superior Court, Judicial Council Coordination Proceeding No. 4199. PSW attorneys served as class counsel with other law firms in this coordinated antitrust class action alleging a conspiracy by defendants to fix the price of automotive refinishing products.
- *In re Beer Antitrust Litigation*, Northern District of California, Case No. 97-20644 SW. PSW partner Bruce L. Simon served as primary counsel in this antitrust class action brought on behalf of independent micro-breweries against Anheuser-Busch, Inc., for its attempt to monopolize the beer industry in the United States by denying access to distribution channels.
- *In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4027. PSW partner Bruce L. Simon served as co-lead counsel for the public entity purchaser class in this antitrust action arising from the price-fixing of commercial sanitary paper products.
- *Hart v. Central Sprinkler Corporation*, Los Angeles County Superior Court, Case No. BC176727. PSW attorneys served as class counsel in this consumer class action arising from the sale of nine million defective fire sprinkler heads. This case resulted in a nationwide class settlement valued at approximately \$37.5 million.
- *Rueda v. Schlumberger Resources Management Services, Inc.*, Los Angeles County Superior Court, Case No. BC235471. PSW attorneys served as class counsel with other

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law firms representing customers of the Los Angeles Department of Water & Power (“LADWP”) who had lead leaching water meters installed on their properties. The Court granted final approval of the settlement whereby defendant would pay \$1.5 million to a *cy pres* fund to benefit the Class and to make grants to LADWP to assist in implementing a replacement program to the effected water meters.

- *In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices Litigation*, Northern District of California, MDL No. 1114. PSW partner Bruce L. Simon worked on this nationwide product defect class action brought under the Lanham Act. The proposed class was certified, and a class settlement was finally approved by Chief Judge Vaughn Walker.
- *In re iPod nano Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4469. PSW attorneys were appointed co-lead counsel for this class action brought on behalf of California consumers who own defective iPod nanos. The case resulted in a favorable settlement.
- *Unity Entertainment Corp. v. MP3.Com*, Central District of California, Case No. 00-11868. PSW attorneys served as defense counsel in this class action alleging copyright infringement.
- *Vallier v. Jet Propulsion Laboratory*, Central District of California, Case No. CV97-1171. PSW attorneys served as lead counsel in this toxic tort action involving 50 cancer victims and their families.
- *Nguyen v. First USA N.A.*, Los Angeles County Superior Court, Case No. BC222846. PSW attorneys served as class counsel on behalf of approximately four million First USA credit card holders whose information was sold to third party vendors without their consent. This case ultimately settled for an extremely valuable permanent injunction plus disgorgement of profits to worthy charities.
- *Morales v. Associates First Financial Capital Corporation*, San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4197. PSW attorneys served as class counsel in this case arising from the wrongful sale of credit insurance in connection with personal and real estate-secured loans. This case resulted in an extraordinary \$240 million recovery for the Class.
- *In re AEFA Overtime Cases*, Los Angeles County Superior Court, Judicial Council Coordination Proceeding No. 4321. PSW attorneys served as class counsel in this overtime class action on behalf of American Express Financial Advisors, which resulted in an outstanding classwide settlement.

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- *Khan v. Denny's Holdings, Inc.*, Los Angeles County Superior Court, Case No. BC177254. PSW attorneys settled a class action lawsuit against Denny's for non-payment of overtime wages to its managers and general managers.
- *Kosnik v. Carrows Restaurants, Inc.*, Los Angeles County Superior Court, Case No. BC219809. PSW attorneys settled a class action lawsuit against Carrows Restaurants for non-payment of overtime wages to its assistant managers and managers.
- *Castillo v. Pizza Hut, Inc.*, Los Angeles County Superior Court, Case No. BC318765. PSW attorneys served as lead class counsel in this California class action brought by delivery drivers who claimed they were not adequately compensated for use of their personally owned vehicles. This case resulted in a statewide class settlement.
- *Baker v. Charles Schwab & Co., Inc.*, Los Angeles County Superior Court, Case No. BC286131. PSW attorneys served as class counsel for investors who were charged a fee for transferring out assets between June 1, 2002 and May 31, 2003. This case resulted in a nationwide class settlement.
- *Eallonardo v. Metro-Goldwyn-Mayer, Inc.*, Los Angeles County Superior Court, Case No. BC286950. PSW attorneys served as class counsel on behalf a nationwide class of consumers who purchased DVDs manufactured by defendants. Plaintiffs alleged that defendants engaged in false and misleading advertising relating to the sale of its DVDs. This case resulted in a nationwide class settlement.
- *Gaeta v. Centinela Feed, Inc.*, Los Angeles County Superior Court, Case No. BC342524. PSW attorneys served as defense counsel in this class action involving alleged failures to pay wages, overtime, employee expenses, waiting time penalties, and failure to provide meal and rest periods and to furnish timely and accurate wage statements.
- *Leiber v. Consumer Empowerment Bv A/K/A Fasttrack*, Central District of California, Case No. CV 01-09923. PSW attorneys served as defense counsel in this class action involving copyrighted music that was made available through a computer file sharing service without the publishers' permission.
- *Higgs v. SUSA California, Inc.*, Los Angeles County Superior Court Case No. BC372745. PSW attorneys are serving as co-lead class counsel representing California consumers who entered into rental agreements for the use of self-storage facilities owned by defendants. In this certified class action, plaintiffs allege that defendants wrongfully denied access to the self-storage facility and/or charged excessive pre-foreclosure fees.
- *Fournier v. Lockheed Litigation*, Los Angeles County Superior Court. PSW attorneys served as counsel for 1,350 residents living at or near the Skunks-Works Facility in Burbank. The case resolved with a substantial confidential settlement for plaintiffs.

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- *Nasseri v. CytoSport, Inc.*, Los Angeles County Superior Court, Case No. 439181. PSW attorneys served as class counsel on behalf of a nationwide class of consumers who purchased CytoSport's popular protein powders, ready to drink protein beverages, and other "supplement" products. Plaintiffs alleged that these supplements contain excessive amounts of lead, cadmium and arsenic in amounts that exceed Proposition 65 and negate CytoSport's health claims regarding the products. The case resulted in a nationwide class action settlement which provided monetary relief to the class members and required the reformulation of CytoSport supplement products.
- *In re Samsung Top-Load Washing Machine Marketing, Sales Practice and Products Liability Litigation*, Western District of Oklahoma, Case No. 5:17-ml-02792-D. Plaintiffs allege that the top-load washing machines contain defects that cause them to leak and explode. PSW Partner Melissa S. Weiner was appointed to the Plaintiffs' Steering Committee in this multi-district class action.

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ATTORNEY PROFILES

PARTNERS

CLIFFORD H. PEARSON

Clifford H. Pearson is a civil litigator and business lawyer focusing on complex litigation, class actions, and business law. In 2013 and 2016, Mr. Pearson was named by the *Daily Journal* as one of the Top 100 lawyers in California. Additionally, Mr. Pearson was named as one of the *Daily Journal*'s 2019 Top Plaintiff Lawyers. He was instrumental in negotiating a landmark settlement totaling \$1.86 billion in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market. Mr. Pearson also negotiated \$473 million in combined settlements in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, an antitrust case in the Northern District of California that alleged a decade-long conspiracy to fix the prices of TFT-LCD panels, \$209 million in *In re NCAA Grant-in-aid Antitrust Litigation*, and over \$90 million in *In re Potash Antitrust Litigation*, an antitrust case in the Northern District of Illinois that alleged price fixing by Russian, Belarusian and North American producers of potash, a main ingredient used in fertilizer.

Before creating the firm in 2006, Mr. Pearson was a partner at one of the largest firms in the San Fernando Valley, where he worked for 22 years. There, he represented aggrieved individuals, investors and employees in a wide variety of contexts, including toxic torts, consumer protection and wage and hour cases. Over his 35-plus year career, Mr. Pearson has successfully negotiated substantial settlements on behalf of consumers, small businesses and companies. In recognition of his outstanding work on behalf of clients, Mr. Pearson has been regularly selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California). He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Pearson is an active member of the American Bar Association, Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles, and Association of Business Trial Lawyers.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

PEARSON, SIMON & WARSHAW, LLP

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1981
- University of Miami, Miami, Florida – M.B.A. – 1978
- Carleton University, Ontario, Canada – B.A. – 1976

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

BOBBY POUYA

Bobby Pouya is a partner in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pouya has been an attorney with Pearson, Simon & Warshaw, LLP since 2007, and has extensive experience in representing clients in a variety of contexts. He has served as a primary member of the litigation team in multiple cases that resulted in class certification or a class-wide settlement, including cases that involved high-technology products, price fixing, consumer safety and false and misleading advertising. The cases that Mr. Pouya has worked on have resulted in hundreds of millions of dollars in judgments and settlements on behalf of effected plaintiffs and class members.

Mr. Pouya has served as one of the attorneys representing direct purchaser plaintiffs in several complex antitrust cases, including *In re Polyurethane Foam Antitrust Litigation* (N.D. Ohio) and *In re Fresh and Processed Potatoes Antitrust Litigation* (D. Idaho). Mr. Pouya is currently actively involved in the prosecution of *In re Broiler Chicken Antitrust Litigation* (N.D. Ill), *In re Pork Antitrust Litigation* (D. Minn.), *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.), as well as several prominent consumer class action lawsuits.

Mr. Pouya's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) every year since 2008. Mr. Pouya earned his Juris Doctorate from Pepperdine University School of Law in 2006, where he received a certificate in dispute resolution from the prestigious Straus Institute for Dispute Resolution and participated on the

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interschool trial and mediation advocacy teams, the Dispute Resolution Law Journal and the Moot Court Board.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (L.A. Sup. Ct.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)

Education:

- Pepperdine University School of Law, Malibu, California – J.D. – 2006
- University of California, Santa Barbara, California – B.A., with honors – 2003

Publications:

- *Should Offers Moot Claims?*, Daily Journal, Oct. 10, 2014
- *Central District Local Rules Hinder Class Certification*, Daily Journal, April 9, 2013

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

BRUCE L. SIMON

Bruce L. Simon is a Partner Emeritus at Pearson, Simon & Warshaw, LLP and has lead the firm to national prominence. Mr. Simon specializes in complex cases involving antitrust, consumer fraud and securities. He has served as lead counsel in many business cases with national and global impact.

In 2019, Mr. Simon was named as one of the Daily Journal's Top Plaintiff Lawyers. In 2018, Mr. Simon was awarded "Antitrust Lawyer of the Year" by the California Lawyers Association. In 2013 and 2016, Mr. Simon was chosen by the *Daily Journal* as one of the Top 100 attorneys in California. In 2013, he received the California Lawyer of the Year award from

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California Lawyer Magazine and was selected as one of seven finalists for Consumer Attorney of the Year by Consumer Attorneys of California for his work in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.). That year, Mr. Simon was included in the Top 100 of California's "Super Lawyers" and has been named a "Super Lawyer" every year since 2003. He has attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Simon was co-lead class counsel in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, a case that lasted over five years and resulted in \$473 million recovered for the direct purchaser plaintiffs. Mr. Simon served as co-lead trial counsel and was instrumental in obtaining an \$87 million jury verdict (before trebling). He presented the opening argument and marshalled numerous witnesses during the six-week trial.

Also, Mr. Simon was co-lead class counsel in *In re Credit Default Swaps Antitrust Litigation*, a case alleging a conspiracy among the world's largest banks to maintain opacity of the credit default swaps market as a means of maintaining supracompetitive prices of bid/ask spreads. After three years of litigation and many months of intensive settlement negotiations, the parties in CDS reached a landmark settlement amounting to \$1.86 billion. It is one of the largest civil antitrust settlements in history.

Mr. Simon was also co-lead class counsel in *In re Potash Antitrust Litigation (II)*, MDL No. 1996 (N.D. Ill.), where he successfully argued an appeal of the district court's order denying the defendants' motions to dismiss to the United States Court of Appeals for the Seventh Circuit. Mr. Simon presented oral argument during an *en banc* hearing before the Court and achieved a unanimous 8-0 decision in his favor. The case resulted in \$90 million in settlements for the direct purchaser plaintiffs, and the Court's opinion is one of the most significant regarding the scope of international antitrust conspiracies.

More recently, Mr. Simon completed the trial seeking injunctive relief in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation*. The plaintiffs allege that the NCAA and its member conferences violate the antitrust laws by restricting the value of grant-in-aid athletic scholarships and other benefits that college football and basketball players can receive.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

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Reported Cases:

- *Minn-Chem, Inc. et al. v. Agrium Inc., et al.*, 683 F.3d 845 (7th Cir. 2012)

Education:

- University of California, Hastings College of the Law, San Francisco, California – J.D. – 1980
- University of California, Berkeley, California – A.B. – 1977

Bar Admissions:

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- Seventh Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Recent Publications:

- Class Certification Procedure, Ch. V, ABA Antitrust Class Actions Handbook (3d ed.), (forthcoming)
- Reverse Engineering Your Antitrust Case: Plan for Trial Even Before You File Your Case, Antitrust, Vol. 28, No. 2, Spring 2014
- *The Ownership/Control Exception to Illinois Brick in Hi-Tech Component Cases: A Rule That Recognizes the Realities of Corporate Price Fixing*, ABA International Cartel Workshop February 2014
- *Matthew Bender Practice Guide: California Unfair Competition and Business Torts*, LexisNexis, with Justice Conrad L. Rushing and Judge Elia Weinbach (Updated 2013)
- *The Questionable Use of Rule 11 Motions to Limit Discovery and Eliminate Allegations in Civil Antitrust Complaints in the United States*, ABA International Cartel Workshop February 2012

Professional Associations and Memberships:

- California State Bar Antitrust and Unfair Competition Section, Advisor and Past Chair
- ABA Global Private Litigation Committee, Co-Chair
- ABA International Cartel Workshop, Steering Committee
- American Association for Justice, Business Torts Section, Past Chair
- Business Torts Section of the American Trial Lawyers Association, Past Chair
- Hastings College of the Law, Board of Directors (2003-2015), Past Chair (2009-2011)

PEARSON, SIMON & WARSHAW, LLP**DANIEL L. WARSHAW**

Daniel L. Warshaw is a civil litigator and trial lawyer who focuses on complex litigation, class actions, and consumer protection. Mr. Warshaw has held a lead role in numerous state and federal class actions, and obtained significant recoveries for class members in many cases. These cases have included, among other things, antitrust violations, high-technology products, automotive parts and false and misleading advertising. Mr. Warshaw has also represented employees in a variety of class actions, including wage and hour, misclassification and other Labor Code violations.

Mr. Warshaw played an integral role in *In re TFT-LCD (Flat Panel) Antitrust Litigation*, where he negotiated the ESI protocol and managed a document review process that featured nearly 8 million documents in multiple languages and 136 reviewers. He currently serves as interim co-lead counsel in a series of groundbreaking class actions involving the alleged underpayment of royalties to artists, producers and directors in the music and film industries. These cases have received significant attention in the press, and Mr. Warshaw has been profiled by the *Daily Journal* for his work in the digital download music cases. In 2019, Mr. Warshaw was named as one of the *Daily Journal*'s Top Plaintiff Lawyers. Additionally, Mr. Warshaw has been selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California) every year since 2005. He has also attained Martindale-Hubbell's highest rating (AV) for legal ability and ethical standards.

Mr. Warshaw has assisted in the preparation of two Rutter Group practice guides: *Federal Civil Trials & Evidence* and *Civil Claims and Defenses*. Mr. Warshaw is the founder and Chair of the Class Action Roundtable. The purpose of the Roundtable is to facilitate a high-level exchange of ideas and in-depth dialogue on class action litigation.

Current Cases:

- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *Grace v. Apple, Inc.* (N.D. Cal.)
- *Higgins v. Paramount Pictures Corp.* (and related cases) (LA Sup. Ct.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *In re. Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *In Re Cattle Antitrust Litigation* (D. Minn.)

PEARSON, SIMON & WARSHAW, LLP

Education:

- Whittier Law School, Los Angeles, California – J.D. – 1996
- University of Southern California – B.A. – 1992

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers, Board Member
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association, Complex Court Committee, Member
- Plaintiffs' Class Action Roundtable, Chair

MELISSA S. WEINER

Melissa S. Weiner is a Partner and civil litigator whose work is squarely focused on combating consumer deception. Her experience is expansive, including class actions related to consumer protection, product defect, intellectual property, automotive, false advertising and the Fair Credit Reporting Act. Ms. Weiner has taken a leadership role in numerous large class actions and MDLs in cases across the country.

A contributor to her professional community, Ms. Weiner serves on the Executive Board for Public Justice as the Co-Vice Chair of the Development Committee, former co-chair of the Mass Tort and Class Action Practice Group for the Minnesota Chapter of the Federal Bar Association and serves on the Minnesota Bar Association Food & Drug Law Council. In recognition of her outstanding efforts in the legal community, each year since 2012, Ms. Weiner has been named a Super Lawyers *Rising Star* by Minnesota Law & Politics.

Ms. Weiner has been appointed to leadership positions in the following MDLs:

- *In Re Santa Fe Natural Tobacco Company Marketing & Sales Practices and Products Liability Litigation*, 1:16-md-02695-JB-LF (D.N.M.) (chair of the Plaintiffs' Steering Committee and member of the Plaintiffs' Oversight Committee);
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices & Product Liability Litigation*, 5:17-md-02792 (W.D. Okla.), (appointed to Plaintiffs' Executive

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Committee), a nationwide class action regarding a design defect in 2.8 million top loading washing machines, which resulted in a nationwide settlement.

- *In Re Windsor Wood Clad Window Product Liability Litigation*, 16-MD-02688 (E.D. Wis.), a nationwide class action regarding allegedly defective windows, which resulted in a nationwide settlement.

Current Cases:

- *Aguilera v. NuWave, LLC* (N.D. Ill.) (product defect and false advertising)
- *Ashour v. Arizona Beverages USA LLC et al.* (S.D. NY) (false advertising/mislabeling)
- *Benson et al v. Newell Brands Inc., et al.* (N.D. IL) (false advertising/mislabeling)
- *In Re Fairlife Milk Products Marketing and Sales Practices Litigation* (N.D. IL) (false advertising)
- *Granucci v. KLN Enterprises, Inc. et al.* (MN State Court, Ramsey County) (false advertising/mislabeling)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *In Re Samsung Top-Load Washing Machine Marketing, Sales Practices, and Products Liability Litigation* (W.D. Okla.)
- *In Re Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D. N.M.) (false advertising/mislabeling)
- *Snarr et al v. Cento Fine Foods Inc.* (N.D. Cal) (false advertising/mislabeling)
- *Snyder et al v. Greens Road of Florida, LLC* (S.D. FL) (false advertising/mislabeling)
- *Stanton v. Sargento Foods, Inc.* (N.D. Cal) (false advertising/mislabeling)

Education:

- William Mitchell College of Law - J.D. – 2007
- University of Michigan – Ann Arbor - B.A. – 2004

Bar Admissions:

- New York
- Minnesota
- Ninth Circuit Court of Appeals
- U.S. District Court, District of Minnesota
- U.S. District Court, Colorado
- U.S. District Court, Northern District of Illinois

Professional Associations and Memberships:

- Minnesota State Bar Association
- Federal Bar Association
- Public Justice

PEARSON, SIMON & WARSHAW, LLP

TRIAL COUNSEL

Thomas J. Nolan is Of Counsel in the Sherman Oaks office of Pearson, Simon & Warshaw, LLP.

Mr. Nolan is widely recognized as one of the nation's leading trial attorneys, and has extensive civil and criminal trial experience representing corporations and individuals in complex litigation in state and federal courts.

Mr. Nolan is a former federal prosecutor and served as Chief of Fraud and Special Prosecutions in the Los Angeles United States Attorney's Office. He has been a member of the defense bar since 1979.

Mr. Nolan has represented both corporate plaintiffs and defendants across a wide range of complex civil litigation matters including class actions; a wide variety of contract disputes, including a three-month jury trial against 63 insurance carriers; unfair business practices and consumer fraud; as well as antitrust and intellectual property issues. Mr. Nolan is also recognized as a leading lawyer for "first of their kind" trials. His diverse experience was cited by media reports on his arrival at Latham, such as this [Bloomberg-BNA Law article](#).

Mr. Nolan has represented corporations and individuals in criminal DOJ prosecutions and SEC enforcement matters and in internal investigations involving FCPA allegations, securities fraud, money laundering, RICO, healthcare fraud, and insider trading violations.

He leverages extensive trial experience including winning jury verdicts of more than US\$1 billion for his clients and defeating claims exceeding US\$15 billion asserted against clients.

Notable Cases:

- Lead trial counsel for CashCall in defeating more than US\$275 million in restitution and monetary claims sought by the CFPB.
- Served as lead trial counsel representing UBS Real Estate Securities Inc. in a closely watched three-week bench trial conducted in the US District Court, Southern District of New York.*
- Served as lead trial counsel representing the home mortgage division of a major bank against class action claims of racial discrimination in mortgage lending*
- Defended Peter Morton in securing a unanimous jury verdict awarding zero damages in a case alleging fraud, breach of fiduciary duty and invasion of privacy*
- Represented the founders of Skype Technologies S.A., with a consortium of private equity and venture capital firms led by Silver Lake, in the US\$2.8 billion acquisition of Skype from eBay Inc.*
- Represented Tyco International Ltd. in a litigation in the US District Court for the Southern District of New York brought by holders of US\$2.7 billion of notes issued by Tyco.*

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- Served as lead trial counsel representing the consortium of underwriters of WorldCom Securities in securing a settlement on the eve of jury selection in one of the largest securities class action cases in history.*
- Represented Litton Industries in a high-profile monopoly antitrust lawsuit against Honeywell, Inc. in the US District Court for the Central District of California.*

**Represents experience from a previous law firms.*

Accolades:

Mr. Nolan has served in numerous honorary positions and received numerous accolades over his extensive career, including:

- American College of Trial Lawyers – Fellow
- International Academy of Trial Lawyers – Fellow
- Loyola Marymount University – Board of Regents
- Loyola University School of Law at Los Angeles – Board of Directors
- Loyola University School of Law at Los Angeles – Champion of Justice Award
- Beverly Hills Bar Association – Excellence in Advocacy Award
- Association of Business Trial Lawyers – frequent lecturer
- Federal Bar Association – frequent lecturer
- California Bar Association – *Pro Bono* Lawyer of the Year
- *The Am Law Litigation Daily* – Litigator of the Week

Mr. Nolan has been selected for inclusion in *Chambers Global: The World's Leading Lawyers for Business*, and he is one of only 23 attorneys listed in the top tier of national trial attorneys by *Chambers USA: America's Leading Lawyers for Business*, which also ranks him in its top tier for general commercial litigation. In addition, Mr. Nolan has been profiled for 12 different years as one of the Top 100 most influential lawyers in California and as one of the Top 30 Securities Litigators in California by the *Daily Journal*. He was named Best Lawyers' 2015 Los Angeles Bet-the-Company Litigation Lawyer of the Year.

Education:

- Loyola Law School - Los Angeles, California - J.D. - 1975
- Loyola Marymount University, Los Angeles, California - B.B.A. -1971

Bar Admissions:

- California
- Supreme Court of the United States
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California

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- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California
- U.S. District Court, Southern District of New York

PEARSON, SIMON & WARSHAW, LLP

OF COUNSEL

NEIL SWARTZBERG

Neil Swartzberg, Of Counsel to Pearson, Simon & Warshaw, LLP, has significant litigation and counseling experience, with a track record of providing advice and representation to individuals and companies on a variety of technology, consumer and finance related matters. He has expertise in complex and commercial litigation, including in the intellectual property, consumer protection, antitrust, securities and class action context. Practicing in both federal and state courts, he has litigated price-fixing class actions, securities fraud suits and other consumer protection cases, as well as patent infringement, trade secret misappropriation and related intellectual property matters. Mr. Swartzberg also has experience negotiating licenses and similar agreements to resolve disputes in technology areas such the Internet, online banking, and telecommunications.

Mr. Swartzberg was a leading attorney in the Direct Purchaser Plaintiff class action *In re Static Random Access Memory (SRAM) Antitrust Litigation* (N.D. Cal.). He was also actively involved in several other antitrust class actions, such as *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.), *Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), *In re Cathode Ray Tube (CRT) Antitrust Litigation* (N.D. Cal.), and *In re Optical Disk Drive (ODD) Antitrust Litigation* (N.D. Cal.). He has represented patent owners and companies in infringement cases for patents covering video game controllers, Internet search functionality, secure mobile banking transactions, and telecommunications switches.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *In re: Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- University of California, Davis, School of Law, Davis, California – J.D. – 2001
- State University of New York, Buffalo, Buffalo, New York – M.A. – 1994
- Duke University, Durham, North Carolina – A.B. – 1991

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- Federal Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California

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- U.S. District Court, Eastern District of Missouri
- U.S. District Court, Western District of Pennsylvania

Publications and Presentations:

- *The Hard Cell, Mobile banking and the Federal Circuit's "divided infringement" decisions*, Feb. 2013, Intellectual Property magazine, with Robert D. Becker.

Professional Associations and Memberships:

- American Bar Association

Languages:

- German (proficient)

PEARSON, SIMON & WARSHAW, LLP

ASSOCIATES

JOSEPH C. BOURNE

Joseph C. Bourne is a litigator in the firm's Minneapolis office. Mr. Bourne focuses his practice on complex class action litigation, with an emphasis on antitrust, consumer fraud, product defect, and data privacy and security practices. Before joining the firm in 2018, Mr. Bourne was a partner at a Minneapolis law firm where his practice similarly focused on representing plaintiffs in antitrust and class action litigation.

Mr. Bourne has been nominated by his peers and recognized by Super Lawyers Magazine as a Minnesota Rising Star in the area of antitrust litigation every year since 2014. He is active in the legal community, serving as a volunteer attorney through the District of Minnesota and Federal Bar Association's Pro Se Project. In recognition of his commitment to pro bono work, Mr. Bourne was recognized as a North Star Lawyer by the Minnesota State Bar Association in 2013 and 2014.

Before entering private practice, Mr. Bourne served as a judicial law clerk to Judge Francis J. Connolly, and then to Chief Judge Edward Toussaint, Jr., at the Minnesota Court of Appeals. While in law school, Mr. Bourne served as an Articles Editor of the Minnesota Law Review.

Current Cases:

- *In re Pork Antitrust Litigation* (D. Minn.)
- *In re Cattle Antitrust Litigation* (D. Minn.)
- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re. Santa Fe Natural Tobacco Company Marketing, Sales Practices, and Products Liability Litigation* (D.N.M.)
- *Aguilera v. NuWave, LLC* (N.D. Ill.)
- *Young v. Cree, Inc.* (N.D. Cal.)

Education:

- University of Minnesota Law School – J.D., *magna cum laude* – 2009
- Emory University – B.A. – 2005

Publications:

- *Health Care's Invisible Giants: Pharmacy Benefit Managers*, The Federal Lawyer (2013) (Ellen Ahrens, coauthor)
- *Pro Se Litigation and the Costs of Access to Justice*, 39 Wm. Mitchell L. Rev. 32 (2012) (Dan Gustafson and Karla Gluek, coauthors)
- *Prosecutorial Use of Forensic Science at Trial*, 93 Minn. L. Rev. 1058 (2009)

Bar Admissions:

PEARSON, SIMON & WARSHAW, LLP

- Minnesota
- California
- Eighth Circuit Court of Appeals
- U.S. District Court, District of Minnesota
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California

MICHAEL H. PEARSON

Michael H. Pearson is a civil litigator in the firm's Los Angeles office, focusing on complex litigation, class actions, and consumer protection. Mr. Pearson has extensive experience in representing clients in a variety of contexts. He has served as a member of the litigation team in multiple cases that resulted in class certification or a classwide settlement, including cases that involved business litigation, complex financial products, high-technology products, consumer safety, and false and misleading advertising. Specifically, he was instrumental in managing the review of tens of millions of documents and drafting pleadings in *In Re Credit Default Swaps Antitrust Litigation*, which was settled for \$1.86 billion, plus injunctive relief.

Mr. Pearson received his Bachelor of Science degree from Tulane University in 2008, majoring in Finance with an Energy Specialization. He received his Juris Doctorate from Loyola Law School Los Angeles in 2011. Mr. Pearson is an active member in a number of legal organizations, including the American, Los Angeles County and San Fernando Valley Bar Associations, Consumer Attorneys of California, the Consumer Attorneys Association of Los Angeles and the Association of Business Trial Lawyers.

Mr. Pearson's success has earned him recognition by his peers as a Super Lawyers Rising Star (representing the top 2.5% of lawyers in Southern California age 40 or younger or in practice for 10 years or less) in 2017, 2018 and 2019.

Current Cases:

- *City of Oakland v. The Oakland Raiders, et al.* (N.D. Cal.)
- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill.)
- *In Re Pork Antitrust Litigation* (D. Minn.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re German Auto Manufacturers Antitrust Litigation* (N.D. Cal.)
- *Trepte v. Bionaire, Inc.* (Cal. Sup. Ct.)

Education:

- Loyola Law School Los Angeles, Los Angeles, California – J.D. – 2011
- Tulane University, New Orleans, Louisiana – B.S., *magna cum laude* – 2008

Bar Admissions:

PEARSON, SIMON & WARSHAW, LLP

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association
- San Fernando Valley Bar Association

BENJAMIN E. SHIFTAN

Benjamin E. Shiftan is a litigator in the firm's San Francisco office. Since joining the firm in 2014, Mr. Shiftan has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Prior to joining the firm, Mr. Shiftan litigated complex bad faith insurance cases for a national law firm. Before that, Mr. Shiftan served as a law clerk to the Honorable Peter G. Sheridan, United States District Court for the District of New Jersey, and worked for a mid-sized firm in San Diego.

Mr. Shiftan graduated from the University of San Diego School of Law in 2009. While in law school, he served as Lead Articles Editor of the San Diego International Law Journal and competed as a National Team Member on the Moot Court Board. Mr. Shiftan won the school's Paul A. McLennon, Sr. Honors Moot Court Competition. At graduation, he was one of ten students inducted into the Order of the Barristers. Mr. Shiftan graduated from the University of Virginia in 2006.

Current Cases:

- *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- University of San Diego School of Law, San Diego, CA – J.D. – 2009

PEARSON, SIMON & WARSHAW, LLP

- University of Virginia, Charlottesville, VA – B.A. – 2006

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- San Francisco County Bar Association

MATTHEW A. PEARSON

Matthew A. Pearson is an associate in the firm's Los Angeles office focusing on antitrust, consumer protection, copyright, and business litigation. Mr. Pearson has represented clients in a variety of different matters and works closely with clients, co-counsel, and opposing counsel on all aspects of litigation.

In 2019, Mr. Pearson received the award for Outstanding Antitrust Litigation Achievement in Private Law Practice by the American Antitrust Institute for his work in the *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.) trial, which took place in September of 2018 and resulted in a verdict in Plaintiffs' favor. Additionally, in 2019, Mr. Pearson was selected by his peers as a Super Lawyer (representing the top 5% of practicing lawyers in Southern California).

Mr. Pearson received his Bachelor of Science degree from the University of Arizona in 2010, majoring in Business Management. He received his Juris Doctorate from Whittier Law School in 2013. Mr. Pearson is an active member in a number of legal organizations, including the American Bar Association, American Association for Justice, Association of Business Trial Lawyers, Consumer Attorneys Association of Los Angeles, Consumer Attorneys of California, and the Los Angeles County Bar Association.

Current Cases:

- *Grace v. Apple, Inc.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)
- *Greg Kihn, et al. v. Bill Graham Archives, LLC, et al.* (N.D. Cal.)
- *In re KIND LLC "Healthy and All Natural" Litigation* (S.D.N.Y.)
- *In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (N.D. Cal.)
- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

PEARSON, SIMON & WARSHAW, LLP

- *In Re Cattle Antitrust Litigation* (D. Minn.)

Education:

- Whittier Law School, California – J.D. – 2013
- University of Arizona: Eller College of Management – B.S.– 2010

Bar Admissions:

- California
- Ninth Circuit Court of Appeals
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

Professional Associations and Memberships:

- American Bar Association
- American Association for Justice
- Association of Business Trial Lawyers
- Consumer Attorneys Association of Los Angeles
- Consumer Attorneys of California
- Los Angeles County Bar Association

ALEXANDER L. SIMON

Alexander L. Simon is a litigator in the firm’s San Francisco office. Since joining the firm as a law clerk in 2013 and an attorney in 2015, Mr. Simon has focused on complex class action litigation, including antitrust, product defect, and consumer protection cases.

Mr. Simon graduated from Loyola Law School in 2015. While in law school, he served as the Chief Production Editor of the Loyola of Los Angeles Entertainment Law Review from 2014-2015. His comment titled With Great Power Comes Great Responsibility: Gary Friedrich’s Battle with Marvel For Artist Rights was published by the law review that same year. In 2014, Mr. Simon also participated in Loyola Law School’s Copyright Moot Court. Mr. Simon graduated from the University of California, Berkeley in 2009 where he was a member of Freshman Men’s Crew during the 2005-2006 season. During his senior year of high school, he was the “two” seat of the Saint Ignatius College Preparatory Varsity 8 boat that won the US Rowing Youth Invitational National Championship.

Current Cases:

- *Grace v. Apple, Inc.* (N.D. Cal.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)

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- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)

Education:

- Loyola Law School, Los Angeles, California – J.D. – 2015
- University of California, Berkeley, Berkeley, California – B.A. – 2009

Recent Publications:

- *With Great Power Comes Great Responsibility: Gary Friedrich's Battle with Marvel For Artist Rights*, 35 Loy. L.A. Ent. L. Rev. 211 (2015)

Bar Admissions:

- California
- U.S. District Court, Southern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California

Professional Associations and Memberships:

- San Francisco County Bar Association
- California Young Lawyers Association

Community Service:

- Prime Time Mock Trial Coach at Ralph Waldo Emerson Middle School in Los Angeles (2014)
- Volunteer at the Theatre of Terror (2013) and Raymond Hill Mortuary (2014) Haunted Houses benefiting the South Pasadena Arts Council and South Pasadena Educational Foundation

NAVEED ABAIE

Naveed Abaie is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation.

He graduated from the University of San Diego, School of Law in 2017. While at the University of San Diego, Mr. Abaie earned his J.D. with a concentration in Business and Corporate Law. Mr. Abaie received his Bachelor's degree from the University of California, Berkeley Haas School of Business in 2012.

Current Cases:

- *In re Broiler Chicken Antitrust Litigation* (N.D. Ill)

PEARSON, SIMON & WARSHAW, LLP

Education:

- University of San Diego, California – J.D. – 2017
- University of California, Berkeley, California – B.A. – 2012

Bar Admissions:

- California

Professional Associations and Memberships:

- Iranian American Bar Association

JESSOP STROMAN

Jessop Stroman is an associate in the firm's Los Angeles office focusing on consumer protection, antitrust, and business litigation.

He graduated from UCLA School of Law in 2018, earning his J.D. with a specialization in Business Law and Policy. At UCLA, Mr. Stroman served as a Production Editor for UCLA's Journal of International Law and Foreign Affairs. Prior to law school, Mr. Stroman worked in the mortgage industry as an account manager and a loan officer where he negotiated loan modifications, repayment plans, loan reinstatements, short sales, and deed-in-lieu of foreclosure transactions, as well as originating millions of dollars in new purchase and refinance loans. Mr. Stroman earned his B.A. in English and Creative Writing from Loyola University Chicago in 2012, graduating Magna Cum Laude.

Current Cases:

- *North American Soccer League, LLC v. United States Soccer Federation, Inc., and Major League Soccer, L.L.C.* (E.D.N.Y.)
- *Senne, et al. v. Office of the Commissioner of Baseball, et al.* (N.D. Cal.)
- *In re Keurig Green Mountain Single-Serving Coffee Antitrust Litigation* (S.D.N.Y.)

Education:

- UCLA School of Law, Los Angeles, California – J.D. – 2018
- Loyola University Chicago, Chicago, Illinois – B.A. – 2012

Bar Admissions:

- California

PEARSON, SIMON & WARSHAW, LLP

Professional Associations and Memberships:

- Los Angeles County Bar Association

EXHIBIT 3



FIRM RESUME

One West Las Olas Boulevard, Suite 500
Fort Lauderdale, Florida 33301

Telephone: 954.525.4100

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Miami – Fort Lauderdale – Boca Raton

OUR FIRM

For over two decades, Kopelowitz Ostrow Ferguson Weiselberg Gilbert (KO) has provided comprehensive, results-oriented legal representation to individual, business, and government clients throughout Florida and the rest of the country. KO has the experience and capacity to represent its clients effectively and has the legal resources to address almost any legal need. The firm's 26-plus attorneys have practiced at several of the nation's largest and most prestigious firms and are skilled in almost all phases of law, including consumer class actions, multidistrict litigation involving mass tort actions, complex commercial litigation, and corporate transactions. In the class action arena, the firm has experience not only representing individual aggrieved consumers, but also defending large institutional clients, including multiple Fortune 100 companies.

WHO WE ARE

The firm has a roster of accomplished attorneys. Clients have an opportunity to work with some of the finest lawyers in Florida and the United States, each one committed to upholding KO's principles of professionalism, integrity, and personal service. Among our roster, you'll find attorneys whose accomplishments include: being listed among the "Legal Elite Attorneys" and as "Florida Super Lawyers"; achieving an AV® Preeminent™ rating by the Martindale-Hubbell peer review process; being Board Certified in their specialty; serving as in-house counsel for major corporations, as a city attorney handling government affairs, as a public defender, and as a prosecutor; achieving multi-millions of dollars through verdicts and settlements in trials, arbitrations, and alternative dispute resolution procedures; successfully winning appeals at every level in Florida state and federal courts; and serving government in various elected and appointed positions.

KO has the experience and resources necessary to represent large putative classes. The firm's attorneys are not simply litigators, but rather, experienced trial attorneys with the support staff and resources needed to coordinate complex cases.

CLASS ACTION PLAINTIFF

Since its founding, KO has initiated and served as co-lead counsel and liaison counsel in many high-profile class actions. Currently, the firm serves as liaison counsel in a multidistrict class action antitrust case against four of the largest contact lens manufacturers pending before Judge Schlesinger in the Middle District of Florida. *See* In Re: Disposable Contact Lens Antitrust Litigation, MDL 2626.

Further, the firm has served or is currently serving as lead or co-lead counsel in dozens of certified and/or proposed class actions against national and regional banks involving the unlawful re-sequencing of debit and ATM transactions resulting in manufactured overdraft fees, and other legal theories pertaining to overdraft fees. The cases are pending, or were pending, in various federal and state jurisdictions throughout the country, including some in multidistrict litigation pending in the Southern District of Florida and others in federal and state courts dispersed throughout the country. KO's substantial knowledge and experience litigating overdraft class actions and analyzing overdraft damage data has enabled the firm to obtain about a dozen multi-million dollar settlements (in excess of \$400 million) for the classes KO represents.

Additionally, the firm has in the past litigated certified and proposed class actions against Blue Cross Blue Shield and United Healthcare related to their improper reimbursements of health insurance benefits. Other class action cases include cases against Microsoft Corporation related to its Xbox 360 gaming platform, ten of the largest oil companies in the world in connection with the destructive propensities of ethanol and its impact on boats, Nationwide Insurance for improper mortgage fee assessments, and several of the nation's largest retailers for deceptive advertising and marketing at their retail outlets and factory stores.

CLASS ACTION DEFENSE

The firm also brings experience in successfully defended many class actions on behalf of banking institutions, mortgage providers and servicers, an aircraft maker and U.S. Dept. of Defense contractor, a manufacturer of breast implants, and a national fitness chain.

MASS TORT LITIGATION

The firm also has extensive experience in mass tort litigation, including the handling of cases against Bausch & Lomb in connection with its Renu with MoistureLoc product, Wyeth Pharmaceuticals related to Prempro, Bayer Corporation related to its birth control pill YAZ, and Howmedica Osteonics Corporation related to the Stryker Rejuvenate and AGB II hip implants. In connection with the foregoing, some of which has been litigated within the multidistrict arena, the firm has obtained millions in recoveries for its clients.

OTHER AREAS OF PRACTICE

In addition to class action and mass tort litigation, the firm has extensive experience in the following practice areas: commercial and general civil litigation, corporate transactions, health law, insurance law, labor and employment law, marital and family law, real estate litigation and transaction, government affairs, receivership, construction law, appellate practice, estate planning, wealth preservation, healthcare provider reimbursement and contractual disputes, white collar and criminal defense, employment contracts, environmental, and alternative dispute resolution.

FIND US ONLINE

To learn more about KO, or any of the firm's other attorneys, please visit www.kolawyers.com.

CLASS ACTION AND MASS TORT SETTLEMENTS**FINANCIAL
INSTITUTIONS**

Lloyd v. Navy Federal Credit Union, 17-cv-01280-BAS-RBB (S.D. Ca. 2019) - \$24.5 million

Farrell v. Bank of America, N.A., 3:16-cv-00492-L-WVG (S.D. Ca. 2018) - \$66.6 million

Stathakos v. Columbia Sportswear, 4:15-cv-04543-YGR (N.D. Ca. 2018) - Injunctive relief prohibiting deceptive pricing practices

Bodnar v. Bank of America, N.A., 5:14-cv-03224-EGS (E.D. Pa. 2015) - \$27.5 million

Morton v. Green Bank, 11-135-IV (20th Judicial District Tenn. 2018) - \$1.5 million

Hawkins v. First Tennessee Bank, CT-004085-11 (13th Judicial District Tenn. 2017) - \$16.75 million

Payne v. Old National Bank, 82C01-1012 (Cir. Ct. Vanderburgh 2016) - \$4.75 million

Swift. v. Bancorpsouth, 1:10-CV-00090 (N.D. Fla. 2016) - \$24.0 million

Mello v. Susquehanna Bank, 1:09-MD-02046 (S.D. Fla. 2014) – \$3.68 million

Johnson v. Community Bank, 3:11-CV-01405 (M.D. Pa. 2013) - \$1.5 million

McKinley v. Great Western Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$2.2 million

Blabut v. Harris Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$9.4 million

Wolfgeher Commerce Bank, 1:09-MD-02036 (S.D. Fla. 2013) - \$18.3 million

Case v. Bank of Oklahoma, 09-MD-02036 (S.D. Fla. 2012) - \$19.0 million Settlement

Hawthorne v. Umpqua Bank, 3:11-CV-06700 (N.D.Ca. 2012) - \$2.9 million Settlement

Simpson v. Citizens Bank, 2:12-CV-10267 (E.D. Mi. 2012) - \$2.0 million

Nelson v. Rabobank, RIC 1101391 (Riverside County, Ca. 2012) - \$2.4 million

Harris v. Associated Bank, 1:09-MD-02036 (S.D. Fla. 2012) - \$13.0 million

LaCour v. Whitney Bank, 8:11-CV-1896 (M.D. Fla. 2012) - \$6.8 million

Orallo v. Bank of the West, 1:09-MD-202036 (S.D. Fla. 2012) - \$18.0 million

Taulava v. Bank of Hawaii, 11-1-0337-02 (1st Cir. Hawaii 2011) - \$9.0 million

Trevino v. Westamerica, CIV 1003690 (Marin County, CA 2010) - \$2.0 million

FALSE PRICING

Gattinella v. Michael Kors (USA), 14-Civ-5731 (WHP) (S.D. NY 2015) - \$4.875 million

CONSUMER PROTECTION

Papa v. Grieco Ford Fort Lauderdale, LLC, 18-cv-21897-JEM (S.D. Fla. 2019) - \$4.9 million

Bloom v. Jenny Craig, Inc., 18-cv-21820-KMM (S.D. Fla. 2019) - \$3 million

DiPuglia v. US Coachways, Inc., 1:17-cv-23006-MGC (S.D. Fla. 2018) - \$2.6 million

Masson v. Tallahassee Dodge Chrysler Jeep, LLC, 1:17-cv-22967-FAM (S.D. Fla. 2018) - \$850,000

MASS TORT

In re Zantac (Ranitidine) Prods. Liab. Litig., 9:20-md-02924-RLR (S.D. Fla.) - MDL No. 2924 – Co-Lead Counsel

In re: Stryker Rejuvenate and ABG II PRODUCTS LIABILITY LITIGATION, 13-MD-2411 (17th Jud. Cir. Fla. Complex Litigation Division)

In re: National Prescription Opiate Litigation, 1:17-md-02804-DAP (N.D. Ohio) - MDL 2804

In re: Smith and Nephew BHR Hip Implant Products Liability Litigation, MDL-17-md-2775

Yasmin and YAZ Marketing, Sales Practices and Products Liability Litigation, 3:09-md-02100-DRH-PMF (S.D. Ill.) – MDL 2100

In re: Prempro Products Liability Litigation, MDL Docket No. 1507, No. 03-cv-1507 (E.D. Ark.)



JEFF OSTROW

Managing Partner

Bar Admissions

The Florida Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Eastern District of Michigan

U.S. District Court, Western District of Tennessee

U.S. District Court, Western District of Wisconsin

Education

Nova Southeastern University, J.D. - 1997

University of Florida, B.S. – 1994

Email: Ostrow@kolawyers.com

Jeff Ostrow is the Managing Partner of Kopelowitz Ostrow P.A. He established his own law practice immediately upon graduation from law school in 1997, co-founded the current firm in 2001, and has since grown it to nearly 50 attorneys in 3 offices throughout South Florida. In addition to overseeing the firm's day-to-day operations and strategic direction, Mr. Ostrow practices full time in the areas of consumer class actions, sports and business law. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Ostrow is an accomplished trial attorney who represents both Plaintiffs and Defendants, successfully trying many cases to verdict involving multi-million dollar damage claims in state and federal courts. Currently, he serves as lead counsel in nationwide and statewide class action lawsuits against many of the world's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$400,000,000 for tens of millions of bank customers, as well as monumental changes in the way banks assess fees. In addition, Mr. Ostrow has litigated consumer class actions against some of the world's largest clothing retailers, health insurance carriers, technology companies, and oil conglomerates, along with serving as class action defense counsel for some of the largest advertising and marketing agencies in the world, banking institutions, real estate developers, and mortgage companies.

Mr. Ostrow often serves as outside General Counsel to companies, advising them in connection with their legal and regulatory needs. He has represented many Fortune 500® Companies in connection with their Florida litigation. He has handled cases covered by media outlets throughout the country and has been quoted many times on various legal topics in almost every major news publication, including the Wall Street Journal, New York Times, Washington Post, Miami Herald, and Sun-Sentinel. He has also appeared on CNN, ABC, NBC, CBS, FoxNews, ESPN, and almost every other major national and international television network in connection with his cases, which often involve industry changing litigation or athletes in Olympic Swimming, the NFL, NBA and MLB.

In addition to the law practice, he is the President of ProPlayer Sports LLC, a full-service sports agency and marketing firm. He represents both Olympic swimmers and select NFL athletes and is licensed by both the NFL Players Association and the NBA Players Association as a certified Contract Advisor. Mr. Ostrow handles all player-team negotiations of contracts, represents his clients in legal proceedings, negotiates all marketing engagements, and oversees public relations and crisis management. He has extensive experience in negotiating, mediating and arbitrating a wide-range of issues on behalf of clients with the NFL Players Association, the International Olympic Committee, the United States Olympic Committee, USA Swimming and the United States Anti-Doping Agency.

He is the founder and President of Class Action Lawyers of American, a member of the Public Justice Foundation, and a lifetime member of the Million Dollar Advocates Forum. The Million Dollar Advocates Forum is the most prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won multi-million dollar verdicts. Additionally, he has been named as one of the top lawyers in Florida by Super Lawyers® for several years running, honored as one of Florida's Legal Elite Attorneys, recognized as a Leader in Law by the Lifestyle Media Group®, and nominated by the South Florida Business Journal® as a finalist for its Key Partners Award. Mr. Ostrow is a recipient of the Gator 100 award for the fastest growing University of Florida alumni-owned law firm in the world.'

When not practicing law, Mr. Ostrow serves on the Board of Governors of Nova Southeastern University's Wayne Huizenga School of Business and is a Member of the Broward County Courthouse Advisory Task Force. He is also the Managing Member of One West LOA LLC, a commercial real estate development company. Mr. Ostrow is a founding board member for the Jorge Nation Foundation, a 501(c)(3) non-profit organization that partners with the Joe DiMaggio Children's Hospital to send children diagnosed with cancer on all-inclusive Dream Trips to destinations of their choice. He has previously sat on the boards of a national banking institution and a national healthcare marketing company.



ROBERT C. GILBERT

Partner

Bar Admissions

The Florida Bar

District of Columbia Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the 11th Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

Education

University of Miami School of Law, J.D. - 1985

Florida International University, B.S. - 1982

Email: Gilbert@kolawyers.com

Robert C. “Bobby” Gilbert has over three decades of experience handling class actions, multidistrict litigation and complex business litigation throughout the United States. He has been appointed lead counsel, co-lead counsel, coordinating counsel or liaison counsel in many federal and state court class actions. Bobby has served as trial counsel in class actions and complex business litigation tried before judges, juries and arbitrators. He has also briefed and argued numerous appeals, including two precedent-setting cases before the Florida Supreme Court.

Bobby was appointed as Plaintiffs’ Coordinating Counsel in *In re Checking Account Overdraft Litig.*, MDL 2036, class action litigation brought against many of the nation’s largest banks that challenged the banks’ internal practice of reordering debit card transactions in a manner designed to maximize the frequency of customer overdrafts. In that role, Bobby managed the large team of lawyers who prosecuted the class actions and served as the plaintiffs’ liaison with the Court regarding management and administration of the multidistrict litigation. He also led or participated in settlement negotiations with the banks that resulted in settlements exceeding \$1.1 billion, including Bank of America (\$410 million), Citizens Financial (\$137.5 million), JPMorgan Chase Bank (\$110 million), PNC Bank (\$90 million), TD Bank (\$62 million), U.S. Bank (\$55 million), Union Bank (\$35 million) and Capital One (\$31.7 million).

Bobby has been appointed to leadership positions in numerous other class actions and multidistrict litigation proceedings. He is currently serving as co-lead counsel in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, 9:20-md-02924-RLR (S.D. Fla.), as well as liaison counsel in *In re Disposable Contact Lens Antitrust Litig.*, MDL 2626 (M.D. Fla.); liaison counsel in *In re 21st Century Oncology Customer Data Security Beach Litig.*, MDL 2737 (M.D. Fla.); and *In re Farm-Raised Salmon and Salmon Products Antitrust Litig.*, No. 19-21551 (S.D. Fla.). He previously served as liaison counsel for indirect purchasers in *In re Terazosin Hydrochloride Antitrust Litig.*, MDL 1317 (S.D. Fla.), an antitrust class action that settled for over \$74 million.

For the past 18 years, Bobby has represented thousands of Florida homeowners in class actions to recover full compensation under the Florida Constitution based on the Florida Department of Agriculture's taking and destruction of the homeowners' private property. As lead counsel, Bobby argued before the Florida Supreme Court to establish the homeowners' right to pursue their claims; served as trial counsel in non-jury liability trials followed by jury trials that established the amount of full compensation owed to the homeowners for their private property; and handled all appellate proceedings. Bobby's tireless efforts on behalf of the homeowners resulted in judgments exceeding \$93 million.

Bobby previously served as an Adjunct Professor at Vanderbilt University Law School, where he co-taught a course on complex litigation in federal courts that focused on multidistrict litigation and class actions. He continues to frequently lecture and make presentations on a variety of topics.

Bobby has served for many years as a trustee of the Greater Miami Jewish Federation and previously served as chairman of the board of the Alexander Muss High School in Israel, and as a trustee of The Miami Foundation.



JONATHAN STREISFELD

Partner

Bar Admissions

The Florida Bar

Court Admissions

Supreme Court of the United States

U.S. Court of Appeals for the First, Fourth, Fifth Ninth, and Eleventh Circuits

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Florida

U.S. District Court, Northern District of Illinois

U.S. District Court, Western District of Tennessee

Education

Nova Southeastern University, J.D. - 1997

Syracuse University, B.S. - 1994

Email: streisfeld@kolawyers.com

Jonathan M. Streisfeld joined KO as a partner in 2008. Mr. Streisfeld concentrates his practice in the areas of consumer class actions, business litigation, and appeals nationwide. He is a Martindale-Hubbell AV® Preeminent™ rated attorney in both legal ability and ethics.

Mr. Streisfeld has vast experience in class action litigation, serving as class counsel in nationwide and statewide consumer class action lawsuits against the nation's largest financial institutions in connection with the unlawful assessment of fees. To date, his efforts have successfully resulted in the recovery of over \$300,000,000 for millions of bank customers, as well as profound changes in the way banks assess fees. In addition, Mr. Streisfeld has litigated class actions against some of the world's largest health insurance carriers and oil conglomerates, and defended class and collective actions in other contexts.

Mr. Streisfeld has represented a variety of businesses and individuals in a broad range of business litigation matters, including contract, fraud, breach of fiduciary duty, intellectual property, real estate, shareholder disputes, wage and hour, and deceptive trade practices claims. He also assists business owners and individuals with documenting contractual relationships. Mr. Streisfeld also provides legal representation in bid protest proceedings.

Mr. Streisfeld oversees the firm's appellate and litigation support practice, representing clients in the appeal of final and non-final orders, as well as writs of certiorari, mandamus, and prohibition. His appellate practice includes civil and marital and family law matters.

Previously, Mr. Streisfeld served as outside assistant city attorney for the City of Plantation and Village of Wellington in a broad range of litigation matters.

As a member of The Florida Bar, Mr. Streisfeld serves on the Executive Council of the Appellate Practice Section and is Co-Chair of the Section's Communications Committee. Mr. Streisfeld currently serves as a member of the Board of Temple Kol Ami Emanu-El.



JOSH LEVINE

Partner

Bar Admissions

The Florida Bar

Court Admissions

U.S. Court of Appeals for the Eleventh Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. District Court, Southern District of Florida

U.S. District Court, Middle District of Florida

U.S. District Court, Northern District of Illinois

Education

University of Miami School of Law, J.D. - 2011

University of Central Florida, B.A. - 2006

Email: levine@kolawyers.com

Josh Levine is a litigation attorney, and his practice takes him all over the State of Florida and the United States. Mr. Levine focuses on civil litigation and appellate practice, primarily in the areas of class actions and commercial litigation.

Mr. Levine has handled over 175 appeals in all five of Florida's District Courts of Appeal and the Florida Supreme Court, as well as multiple federal appellate courts. Mr. Levine has represented both businesses and individuals in litigation matters, including contractual claims, fraud, breach of fiduciary duty, negligence, professional liability, enforcement of non-compete agreements, trade secret infringement, real estate and title claims, other business torts, insurance coverage disputes, as well as consumer protection statutes.

Mr. Levine is a member of the Florida Bar Appellate Court Rules Committee. He is the Vice President of Programming for the B'nai Brith Justice Unit and is an active member of the Appellate Practice Section of the Florida Bar and the Broward County Bar Association. Mr. Levine just completed a four year term as a member of the Board of Directors of the Broward County Bar Association Young Lawyers Section.

Mr. Levine received a Juris Doctor degree, Magna Cum Laude, from the University of Miami School of Law. While attending law school, he served as an Articles and Comments Editor on the University of Miami Inter-American Law Review and was on the Dean's List, and a Merit Scholarship recipient. Mr. Levine also was awarded the Dean's Certificate of Achievement in Legal Research and Writing, Trusts & Estates, & Professional Responsibility classes.

Before joining KO, Mr. Levine worked at an Am Law 100 firm where he also focused on civil litigation and appellate practice, primarily representing banks, lenders, and loan servicers in consumer finance related litigation matters.



DANIEL TROPIN

Partner

Bar Admissions

The Florida Bar

Court Admissions

U.S. District Court, Southern District of Florida

Education

University of Virginia, J.D. - 2012

Emory University, B.A. - 2008

Email: tropin@kolawyers.com

Daniel Tropin is a litigator who specializes in complex commercial cases and class action litigation. Mr. Tropin joined the law firm as a partner in 2018, and has a wealth of experience across the spectrum of litigation, including class actions, derivative actions, trade secrets, arbitrations, and product liability cases.

Mr. Tropin graduated from the University of Virginia law school in 2012, and prior to joining this firm, was an associate at a major Miami law firm and helped launch a new law firm in Wynwood. He was given the Daily Business Review's Most Effective Lawyers, Corporate Securities award in 2014. His previous representative matters include:

- Represented a major homebuilder in an action against a former business partner, who had engaged in a fraud and defamation scheme to extort money from the client. Following a jury trial, the homebuilder was awarded \$1.02 billion in damages. The award was affirmed on appeal.
- Represented the former president and CEO of a cruise line in a lawsuit against a major international venture capital conglomerate, travel and entertainment company, based on allegations of misappropriation of trade secrets, breach of a non-disclosure agreement, and breach of a partnership agreement.
- Represented the CEO of a rapid finance company in an action seeking injunctive relief to protect his interest in the company.
- Represented a medical supply distribution company in an action that involved allegations of misappropriation and breach of a non-circumvention agreement.
- Represented a mobile phone manufacturer and distributor in a multi-million-dollar dispute regarding membership interests in a Limited Liability Company, with claims alleging misappropriation of trade secrets and breach of fiduciary duty.
- Represented a major liquor manufacturer in a products liability lawsuit arising out of an incident involving flaming alcohol.

EXHIBIT 4



Firm Resume

Jonathan Tycko and Hassan Zavareei founded Tycko & Zavareei LLP in 2002 when they left a large national firm to form a private public interest law firm. Since then, a wide range of clients have trusted the firm with their most difficult problems. Those clients include individuals fighting for their rights, tenants' associations battling to preserve decent and affordable housing, consumers seeking redress for unfair business practices, whistleblowers exposing fraud and corruption, and non-profit entities and businesses facing difficult litigation.

The firm's practice focuses on complex litigation, with a particular emphasis on consumer and other types of class actions, and *qui tam* and False Claims Act litigation. In its class action practice, the firm represent consumers who have been victims of corporate wrongdoing. The firm's attorneys bring a unique perspective to such litigation because many of them trained at major national defense firms where they obtained experience representing corporate defendants in such cases. This unique perspective enables the firm to anticipate and successfully counter the strategies commonly employed by corporate counsel defending class action litigation. Tycko & Zavareei's attorneys have successfully obtained class certification, been appointed class counsel, and obtained approval of class action settlements with common funds totaling over \$500 million.

Tycko & Zavareei's sixteen attorneys graduated from some of the nation's finest law schools, including Yale Law School, Harvard Law School, Columbia Law School, and the University of Michigan Law School. They have served in prestigious clerkships for federal and state trial and appellate judges and have worked for low-income clients through competitive public interest fellowships. The firm's diversity makes it a leader amongst its peers, and the firm actively and successfully recruits attorneys who are women, people of color, and LGBTQ. To support its mission of litigating in the public interest, Tycko & Zavareei offers a unique public interest fellowship for recent law graduates. Tycko & Zavareei's attorneys practice in state and federal courts across the nation.

Tycko and Zavareei LLP's Representative Cases

***Vergara v. Uber Technologies, Inc.*, No. 1:15-cv-06972 (N.D. Ill.).** Tycko and Zavareei served as Co-Lead Counsel in this case under the Telephone Consumer Protection Act, in which he obtained a class settlement of \$20 million.

***In re Fifth Third Early Access Cash Advance Litigation*, No. 1:12-cv-00851 (S.D. Ohio).** Tycko and Zavareei was appointed Co-Lead Counsel in these consolidated payday lending cases, which are in discovery after a successful appeal before the Sixth Circuit.

***Farrell v. Bank of America, N.A.*, No. 16-cv-000492 (S.D. Cal.).** As Co-Lead Counsel, Tycko and Zavareei obtained a settlement valued at \$66.6 million plus injunctive relief valued at \$1.2 billion.

***In re TD Bank, N.A. Debit Card Overdraft Fee Litigation*, No. 15-mn-02613 (D.S.C.).** Tycko and Zavareei serves on the Plaintiffs Executive Committee in this case challenging TD Bank's overdraft fee practices. Tycko and Zavareei assisted in obtaining a \$70 million class settlement.

***In re Higher One Account Marketing & Sales Practices Litigation*, No. 12-md-02407 (D. Conn.).** As Lead Counsel, Tycko and Zavareei helped secure a \$15 million common fund settlement with significant changes to business practices for illegal debit card fees.

***Duval v. Citizens Financial Group, Inc.*, No. 10-cv-21080 (S.D. Fla.).** Tycko and Zavareei was appointed Class Counsel and obtained a common fund settlement of \$137.5 million.

Tycko and Zavareei LLP
1828 L St. NW Suite 1000
Washington, DC 20036
202.973.0900

Tycko and Zavareei LLP
1970 Broadway Suite 1070
Oakland, CA 94612
510.254.6808



***In re American Psychological Association Assessment Fee Litigation*, No. 10-cv-01780 (D.D.C.).** Tycko and Zavareei served as Co-Lead Counsel in this case challenging the APA's deceptive fee practices, and achieved a \$9.02 million common fund settlement for the class.

***Lloyd v. Navy Federal Credit Union*, No. 17-cv-1280 (S.D. Cal.).** As Co-Lead Counsel, Tycko and Zavareei helped secure a \$24.5 million common fund settlement on behalf of a class of NFCU customers harmed by the credit union's overdraft fee practices.

***Morgan v. Apple, Inc.*, No. 17-cv-5277 (N.D. Cal.), *Simmons v. Apple Inc.*, No. 17CV312251 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko and Zavareei is currently serving as Lead Counsel in this class action challenging Apple's deceptive marketing of Powerbeats headphones and secured a \$9.75 million settlement for the class, which is pending preliminary approval. for the class

***Wallace v. Wells Fargo Bank, N.A.*, No. 17CV31775 (Sup. Ct. Ca., Santa Clara Cty.).** Tycko and Zavareei serve as Co-Lead Counsel in this case against Wells Fargo's overdraft fee practices. Tycko and Zavareei's team defeated a motion to compel arbitration and Wells Fargo has appealed.

***Roberts v. Capital One Financial Corporation*, No. 16-cv-04841 (S.D.N.Y.).** As Co-Lead Counsel, Tycko and Zavareei helped secure a \$17 million settlement on behalf of Capital One customers forced to pay excessive overdraft fees.

***Hawkins v. First Tennessee Bank, N.A.*, No. CT-0040851-11 (Cir. Ct. Shelby Cty. Tenn.).** As Co-Lead Counsel, Tycko and Zavareei helped obtain a class settlement of \$16.75 million on behalf of bank customers harmed by First Tennessee's predatory overdraft fees.

***Mascaro v. TD Bank, N.A.*, No. 10-cv-21117 (S.D. Fla.).** Tycko and Zavareei was appointed Class Counsel and was instrumental in obtaining a \$62 million common fund on behalf of the class.

***Trombley v. National City Bank*, No. 10-cv-00232 (D.D.C.).** Tycko and Zavareei served as Lead Counsel and obtained a \$12 million common fund settlement on behalf of a class of consumers.

***Taulava v. Bank of Hawaii*, No. 11-1-0337-02 (Cir. Ct. of 1st Cir., Haw.).** As Co-Lead Counsel, Tycko and Zavareei obtained a \$9 million common fund for a class of customers who were harmed by Bank of Hawaii's overdraft fee practices.

***Bodnar v. Bank of America, N.A.*, No. 14-cv-3224 (E.D. Pa.).** Tycko and Zavareei served as lead Counsel and obtained a \$27.5 million class settlement and significant injunctive relief.



Hassan A. Zavareei

Partner

202.973.0900

hzavareei@tzlegal.com

Mr. Zavareei has devoted the last eighteen years to recovering hundreds of millions of dollars on behalf of consumers and workers. He has served in leadership roles in dozens of class action cases and has been appointed Class Counsel on behalf of numerous litigation and settlement classes. An accomplished and experienced attorney, Mr. Zavareei has litigated in state and federal courts across the nation in a wide range of practice areas; tried several cases to verdict; and successfully argued numerous appeals, including in the D.C. Circuit, the Fourth Circuit, and the Fifth Circuit.

After graduating from UC Berkeley School of Law, Mr. Zavareei joined the Washington, D.C. office of Gibson, Dunn & Crutcher LLP. There, he managed the defense of a nationwide class action brought against a major insurance carrier, along with other complex civil matters. In 2002, Mr. Zavareei founded Tycko & Zavareei LLP with his partner Jonathan Tycko.

Mr. Zavareei has served as lead counsel or co-counsel in dozens of class actions involving deceptive business practices, defective products, and/or privacy. He has been appointed to leadership roles in multiple cases. As Lead Counsel in an MDL against a financial services company that provided predatory debit cards to college students, Mr. Zavareei spearheaded a fifteen-million-dollar recovery for class members. He is currently serving as Co-Lead Counsel in consolidated proceedings against Fifth Third Bank, and on the Plaintiffs' Executive Committee in MDL litigation against TD Bank. As Co-Lead Counsel in *Farrell v. Bank of America*, a case challenging Bank of America's punitive overdraft fees, Mr. Zavareei secured a class settlement valued at \$66.6 million in cash and debt relief, together with injunctive relief forcing the bank to change a practice that will save millions of low-income consumers approximately \$1.2 billion in overdraft fees. In his Order granting final approval, Judge Lorenz of the U.S. District Court for the Southern District of California described the outcome as a "remarkable" accomplishment achieved through "tenacity and great skill."



Education

UC Berkeley School of Law, 1995
Order of the Coif

Duke University, 1990
cum laude

Bar Admissions

California
District of Columbia
Maryland
Supreme Court of the United States

Memberships

Public Justice, Board Member
American Association for Justice

Awards

Washington Lawyers Committee,
Outstanding Achievement Award

Super Lawyer
Lawdragon 500

Presentations & Publications

Witness Before the Subcommittee on
the Constitution and Civil Justice,
115th Congress

Witness Before the Civil Rules
Advisory Committee, 2018, 2019

Editor, Duke Law School Center for
Judicial Studies, Guidance on New
Rule 23 Class Action Settlement
Provisions



Annick M. Persinger

Partner

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Annick M. Persinger leads Tycko & Zavareei's California office as California's Managing Partner. While at Tycko & Zavareei, Ms. Persinger has dedicated her practice to utilizing California's prohibitions against unfair competition and false advertising to advocate for consumers. Ms. Persinger has taken on financial institutions, companies that take advantage of consumers with deceptive advertising, tech companies that disregard user privacy, companies that sell defective products, and mortgage loan servicers. Ms. Persinger also represents whistleblowers who expose their employer's fraudulent practices.

Ms. Persinger graduated magna cum laude as a member of the Order of the Coif from the University of California, Hastings College of the Law in 2010. While in law school, Ms. Persinger served as a member of Hastings Women's Law Journal, and authored two published articles. In 2008, Ms. Persinger received an award for Best Oral Argument in the first year moot court competition. In 2007, Ms. Persinger graduated cum laude from the University of California, San Diego with a B.A. in Sociology, and minors in Law & Society and Psychology.

Following law school, Ms. Persinger worked as a legal research attorney for Judge John E. Munter in Complex Litigation at the San Francisco Superior Court.

Ms. Persinger served as an elected board member of the Bay Area Lawyers for Individual Freedom (BALIF) from 2017 to 2019, and as Co-Chair of BALIF from 2018 to 2019. During her term on the BALIF Board of Directors, Ms. Persinger advocated for LGBTQI community members with intersectional identities, and promoted anti-racism and anti-genderism. Ms. Persinger now serves as a Steering Committee member for the Cambridge Forum on Plaintiffs' Food Fraud Litigation.



Education

University of California Hastings
College of Law, 2010 *Magna Cum Laude*, Order of the Coif

University of California San Diego,
2007 *Cum Laude*

Bar Admissions

California

Memberships

American Association for Justice
Plaintiffs' Food Fraud Litigation,
2020 Steering Committee Member
Public Justice

Awards

Super Lawyer, Rising Star 2020
UC Hastings, *Best Oral Argument* 2008



V Chai Oliver Prentice

Associate

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vprentice@tzlegal.com

V Chai Oliver Prentice joined Tycko & Zavareei in 2019. His practice focuses on complex civil litigation matters with an emphasis on consumer protection and antitrust class actions. Prior to joining the firm, Mr. Prentice clerked for the Honorable Marsha S. Berzon of the United States Court of Appeals for the Ninth Circuit and worked as an associate at a boutique litigation firm in San Francisco. Mr. Prentice also previously served as a Rockefeller Brothers Fund Fellow in Nonprofit Law at the Vera Institute of Justice.

Mr. Prentice graduated from Yale Law School in 2015. He earned an M.A. in Environmental Management from the Freie Universitaet Berlin in 2012 and graduated from the George Washington University in 2009 with a B.A. in International Affairs, *summa cum laude*. Mr. Prentice is a member of Phi Beta Kappa.

In law school, Mr. Prentice served as an articles editor and managing editor of the Yale Human Rights and Development Law Journal. Mr. Prentice also represented veterans in federal court class actions and administrative appeals as a law student intern at the Jerome N. Frank Legal Services Organization. He also served as a filmmaker for Yale's Visual Law Project and as a teaching assistant and writing instructor for Yale College courses on the U.S. criminal justice system and bioethics and the law.

Mr. Prentice is admitted to the State Bar of California and the bars of the United States District Courts for the Northern District of California, Central District of California, and Southern District of California, and the United States Court of Appeals for the Ninth Circuit.



Education

Yale Law School, 2015

Freie Universitaet Berlin, 2012

George Washington University, 2008
summa cum laude

Bar Admissions

California

Memberships

American Association for Justice

National Trans Bar Association

Pound Civil Justice Institute,
Associate Fellow

Public Justice

Awards

Super Lawyers, 2019-2020

Presentations & Publications

2019 Update to Cal. Antitr. & Unfair
Comp. L., Chapter 1: The Cartwright
Act

Conference Presentation, "Veterans
Legal Services and Discharge
Upgrade Applications: New Models
for Serving a Critical Need," Equal
Justice Conference, Austin, TX (May
8, 2015)

RULE 7.1(D) CERTIFICATION

The undersigned counsel certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C).

/s/ Roy E. Barnes

Roy E. Barnes

CERTIFICATE OF SERVICE

I hereby certify that on this day I served the above and foregoing on all parties by causing a true and correct copy to be filed with the court's CM/ECF system, which automatically sends a copy to all counsel of record.

/s/ Roy E. Barnes
Roy E. Barnes